



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

July 25, 2016

Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
8. Interviews for the Board of Appeals and Planning
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

(070216-1) The Kittery Town Council moves to approve a resolution entitled "Resolution Authorizing Redemption of Town's 2006 Bonds and Issuance of Refunding Bonds in Principal Amount not to Exceed \$1,140,000," as presented and an attested copy of said Resolution is to be included with the meeting minutes.

10. PUBLIC HEARINGS

a. (070216-2) The Kittery Town Council moves to hold a public hearing and hereby ordains and adopts the 2016-2017 Sewer Budget.

b. (070216-3) The Kittery Town Council moves to hold a public hearing on an application from Michelle Goodwin, 41 High Street, 1st Floor, Derry NH for a Victualer's License for Just Chill'n Cool Treats and Beverages, Kittery Premium Outlet, 375 US Route 1.

c. (070216-4) The Kittery Town Council moves to hold a public hearing and hereby ordains amendments to Title 16 of the Kittery Town Code.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

b. (070116-5) The Kittery Town Council moves to approve the disbursement warrants

c. (070116-6) The Kittery Town Council moves to approve an application from Seacoast Soul Models, 3 Ryle Way, Kittery, ME for a one time outside alcohol serving event, to be held at 60 Old Dennett Road on 8/21/16 from 9:30 a.m. to 12:00 p.m.

d. (070216-7) The Kittery Town Council moves to vote its nomination for Vice President (1 term) and Executive Committee Members (3 year terms) as proposed by the MMA Nominating Committee.

e. (070216-8) The Kittery Town Council moves to release funds in the amount of \$3,500 from unassigned surplus and to deposit said funds into account #101740-68427 - Expense Self Insurance Claims Coverage, to cover the cost of the deductible for an insurance claim.

f. (070216-9) The Kittery Town Council moves to approve a one day extension of the service area of the premises externally on the current liquor license for The Black Birch, from 3:00 p.m. to 10:00 p.m. on July 31, 2016, in celebration of their 5th Anniversary.

g. (070216-10) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview Richard Brooks for appointment to that board as a full member until 12/31/19.

h. (070216-11) The Kittery Town Council moves to appoint a representative to meet with the Chair of the KCC Board of Directors to interview Krisi Mathieson for appointment to that board until 12/31/19.

i. (070216-12) The Kittery Town Council moves to amend the Kittery Town Code Appendix A Chapter 13.1 Sewer Service System.

j. (070216-13) The Kittery Town Council moves to schedule a public hearing for August 8, 2016, to ordain amendments to Title 13 of the Kittery Town Code.

k. (070216-14) The Kittery Town Council moves to schedule a public hearing on August 8, 2016 to ordain by ordinance to follow Title 21-A §722-A Determination of Declared Write-in Candidate.

l. (070216-15) The Kittery Town Council moves to resolve a request for conflict of interest determination.

m. (070216-16) The Kittery Town Council moves to approve amendments to the Wood Island Repair, Maintenance and Use Agreement.

n. (070216-17) The Kittery Town Council moves to approve revisions to the Wood Island Concession Agreement.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

(070216-14) The Kittery Town Council moves to go in to executive session in accordance with 1 M.R.S. §405 (6) C, to discuss a land acquisition.

17. ADJOURNMENT

Posted: July 21, 2016



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

cgranfield@kitteryme.org

Carol M. Granfield
Interim Town Manager

Town Manager's Report to the Town Council July 20, 2016

1. **Secretary to Town Manager** – I'm pleased to report the town has hired a part time Secretary, Jennifer Scrafford, who will begin on Monday, August 8, and will be working Monday – Thursday, 9 – 4:30. She possesses an excellent background and will greatly assist the Administration Department with its efficient operation.
2. **Sewer Betterments** – As a result of feedback from the Town Council at a recent workshop on the subject, we are moving forth with updated plan modifications, ordinance changes and will hold a meeting on August 15 at the Shapleigh School when the plan will be adopted. More details will be publicized as the time draws nearer.
3. **Resident Issue** – I was asked to look into a situation brought to the Council's attention by Mr. Sparkowich, a resident and partner of Operation Blessing Limited Partnership (OBLP) pertaining to a street naming and petition for acceptance of a public street and a recommendation from the Planning Board, as it is an item that will be coming before Town Council for approval. A review indicated that there was not acceptance by all abutters of a street name. I had discussion with the Town Planner, Commissioner of Public Works and reviewed the history which is varied. This item is scheduled to be heard by the Planning Board at its July 28th meeting and should then be forthcoming to be placed on the Town Council agenda for consideration of acceptance of a public road. At the time the Town Council will review for acceptance. The long history of the status of the road and condition will be explained at that time.
4. **Paving Work** - I was informed by the Commissioner of Public works that all road paving that was scheduled in the town is to be completed this week and then striping will take place.
5. **Fort Foster** – This town park continues to be enjoyed by many over the summer month. I have met with members of the Parks Commission to discuss various park-related items, such as a drone policy, dog waste issues, consideration of senior passes, and other items that will be addressed at an upcoming Parks Commission Workshop with the Town Council on August 22. I believe the workshop will be beneficial for updates and feedback between both groups.

Respectfully Submitted,

Carol

Carol M. Granfield

1. Call to Order

Chairperson Beers called the meeting to order at 7:01 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Pledge of Allegiance

Chairperson Beers led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault, Councilors Frank Dennett, Kenneth Lemont, Judith Spiller, and Jeffrey Thomson.

Absent from the roll call was Russell White.

5. Agenda Amendment and Adoption

Chairperson Beers stated that Item 13d under New Business was withdrawn by the applicant.

A request from the Shoreland Resource Officer was made for Item 9a from the June 13, 2016 regular meeting for reconsideration. The Council did not make a motion for reconsideration of that agenda item.

Councilor Dennett requested to add Item 13d to read as follows: "The Kittery Town Council hereby resolves to extend adoption of the Sewer Enterprise Fund Budget to not later than 29 July 2016."

Agenda was adopted as amended.

6. Town Manager's Report

Town Manager Granfield reviewed her written report.

Sewer Betterments – Town Manager Granfield noted she anticipated presenting a proposed plan that is fair and equitable for both the residents and Town.

July 4th Holiday – Town Hall will be closed on July 4, 2016.

Budget – The FY2017 budget was adopted and staff will move forward with implementing changes beginning in the new fiscal year. Additionally, staff continues to pursue the Government Finance Officer's Association GFOA for the Distinguished Budget Award.

Town Manager Search – Eaton & Peabody met with Council and the advertisement for the new Town Manager position will begin in July. The consultants will disseminate information soon for those interested in participating in the citizen panel in September.

Fort Foster Requests – Town Manager Granfield will request a meeting with the Parks

32 Commission to gather recommendations regarding senior passes, drones, and other items.

33 Councilor Spiller asked if a workshop could be arranged with the Parks Commission to discuss
34 rules pertaining to dogs, especially in the parks. Chairperson Beers referenced a proposed
35 revision by the Code Enforcement Officer and Animal Control Officer to address chickens which
36 included dogs. He felt scheduling a workshop would be appropriate.

37 7. Acceptance of Previous Minutes

38 Regular Meeting 6/13/2016

39 Line 74 – replace “postpone any action” with “be postponed”

40 Line 131 and 142 – replace “CHAIRPERSON BEERS” with “COUNCILOR LEMONT”

41 Line 231-232 and 238 – replace “Dickinson” with “Dixon”

42

43 The minutes were amended as adopted.

44 8. Interviews for the Board of Appeals and Planning – None.

45 9. All items involving the town attorney, town engineers, town employees or other town
46 consultants or requested officials.

47 a. (060216-1) The Kittery Town Council moves to receive a presentation from the Town
48 Manager, on the proposal for Sewer Betterment Assessment Plan.

49 Town Manager Granfield’s presentation included the following statements:

- 50 • Town Manager Granfield described the background of the sewer betterment assessment
51 plan as written in the agenda item material.
- 52 • Staff worked to propose a solution that would be fair and equitable to both the residents
53 and the Town. The highlights of the plan were as follows:
- 54 ○ Item 1 – Reduce property owner share from 50% to 18.7% (\$1,422,000).
- 55 ○ Item 2 – Retain the existing 50-25-25 allocation formula. It shows a substantial
56 change that generates an average parcel assessment of \$6,500 for less than 30,000
57 square feet. An assessment with inflation factors determined it would be
58 reasonable to have an average of \$9,000.
- 59 ○ Item 3 – Ordain revisions to Town Code Title 13 to mitigate the 90-day
60 connection mandate with payment deferment provisions for certain situations.
- 61 ○ Item 4 – Authorize a 2% interest rate to provide for administrative costs.
- 62 • Town Manger Granfield proceeded to describe the schedule and details for the revised
63 plan.

64 Councilor Thomson asked where the difference of \$2.3 million is derived from. Town Manager
65 Granfield pointed to Enclosure 1 where it details the various funds. Chairperson Beers added that
66 the assessment totals \$1,422,000, plus the portion of \$100,000 leftover in municipal bonds. The
67 impact fee current balance is \$373,000 and the total available from impact fees is \$468,287.
68 There are new impact fees currently known in the amount of \$290,000. The use of TIF funds of
69 \$46,000, plus the aggregate of others. From 2017-2031, the department budget is fundamentally
70 net zero.

71 Councilor Thomson asked what action is required for the TIF funds to actualize. Chairperson

72 Beers replied that development would have to occur and the department would have difficulties
73 if development did not occur.

74 Councilor Lemont asked to clarify the overall goal of the proposed plan. Town Manager
75 Granfield responded that staff wanted to lower the cost per parcel by incorporating inflation
76 factors and typical assessments of other communities. Councilor Lemont asked what past project
77 was referenced. Ms. Saklad explained that the total project cost was \$615,000 and the
78 betterments were \$307,000. There were 63 parcels assessed, which averaged \$4,878 per parcel.
79 With inflation factors, that assessment equated to \$6,369. She noted that Mr. Steve Tapley
80 provided figures for several different projects that averaged \$9,058, with the exception of the
81 Route 1 project as an outlier.

82 Councilor Lemont asked if there was consideration given to multi-purpose units. Mr. George
83 Kathios replied that in the past the assessments were based on each property, not unit.

84 Councilor Lemont asked if there existed any other fees other than betterment. Mr. Kathios
85 replied that the betterment fee is the only fee that exists. However, an off shoot street would pay
86 a special entrance fee of \$2,500 and special impact fee of \$2,000. He suggested that Council may
87 want to consider having a workshop.

88 Chairperson Beers asked to confirm whether the sewer impact fee and special connection fee
89 applies to new connections anywhere in the system and exist outside the betterment process. Mr.
90 Kathios replied in the affirmative.

91 Vice Chairperson Denault noted the mobile home park of 39 units is almost equal to other single
92 family parcels. He felt that further review of a per unit basis could drop the 18% lower. He asked
93 if there has been consideration for potential gains on future developments. Mr. Kathios replied
94 that a change in the ordinance would be required, which is in the Council's purview.

95 Vice Chairperson Denault asked if a per unit basis was discussed. Town Manager Granfield
96 believed it was not a factor explored.

97 Chairperson Beers noted that eleven preceding projects were assessed at the 50% margin and a
98 departure from that formula could raise concerns for fairness to those past assessments.
99 Secondly, the lowering of the 50% would require the infusion of additional revenue. The fifteen
100 years of revenue projections may be achievable, but are very aggressive. He felt that the
101 additional revenue sources required were not identified and detailed in the proposed plan.

102 Vice Chairperson Denault felt that given the experience with Eliot, past practices may require
103 further revisions. He asked Mr. Kathios whether the conditions of the bed underneath the
104 roadway were considered for the amount of ledge. Mr. Kathios replied that pre-drilled profiles
105 were conducted.

106 Councilor Dennett recommended to consult with the Town attorney. He asked whether the
107 arbitrator's report being final and binding is correct. He added that a legal opinion is vital
108 regarding the use of "may" in the statement that "the tax collector may enter into a written
109 agreement". Lastly, he found no authority for making a change in state law for an 18-year
110 payback period and would like further guidance.

111 Chairperson Beers asked if any easements were granted by any owners in the assessed property

112 scenario. Mr. Kathios replied three. Chairperson Beers asked if those were paid an easement or
113 granted in lieu of betterment fees. Mr. Kathios was not aware that in the past when a betterment
114 fee was assessed, the impact fees were not charged for those granted easements based on the
115 number of tie-ins. He added that in the current sewer expansion project, the three properties
116 granted easements were not paid for by the department nor received a negotiation.

117 Chairperson Beers asked to clarify that in the negotiation with those three properties, it was said
118 they would receive \$2,000 per tie-in. Mr. Kathios confirmed that statement and that there were
119 two, three, or five tie-ins for each parcel. Chairperson Beers asked to explain the \$2,000 per tie
120 in assessment. Mr. Kathios replied it was based on the impact fee per tie-in, which he later
121 learned they were not obligated to pay.

122 Chairperson Beers noted that the current ordinance provision states there is no betterment fee
123 properties for gravity fed systems. Mr. Kathios understood that those properties were not
124 required to connect, but were still assessed the betterment fees.

125 Chairperson Beers asked if any properties in question have been considered “unbuildable”. Mr.
126 Kathios did not identify any properties as such.

127 Councilor Dennett felt that historical processes have been lost, which has caused convulsion. He
128 understood that if a property owner must pump up, there is no betterment fee. Also, anyone who
129 is granted an easement to the Town does not pay betterment fees. He felt that unbuildable lots
130 would not pay a betterment fee. Vacant land could pose an issue since a determination needs to
131 be made on these properties whether they are unbuildable.

132 Chairperson Beers recommended that consideration be added for assessments to non-gravity feed
133 pump up systems and those granted easements. That value would be accounted for in the total
134 cost to the residents. Councilor Dennett noted that has not been the historical practice, which
135 demonstrated what was paid out is a responsibility of the sewer department, not the betterment
136 payers.

137 Councilor Thomson asked for a specific and detailed financial analysis of where projected
138 revenues from TIF fees would come from.

139 Vice Chairperson Denault asked if the project serves mainly to create more buildable areas and
140 attract businesses to the business park. Chairperson Beers replied that it intends to develop
141 business opportunities and to remove failing overboard discharge systems. Vice Chairperson
142 Denault felt that those intentions would help to drive TIF fee revenues. Chairperson Beers felt
143 that a financial analysis would provide more assurance of those projections. Councilor Spiller
144 suggested to refer to the Economic Development Committee given their charge to review
145 opportunities within the business park. Chairperson Beers noted it may be helpful to review the
146 recent workshop between the EDC and Planning Board.

147 Councilor Thomson questioned whether Vice Chairperson Denault experiences a conflict of
148 interest in the decision of the proposed sewer betterment plan.

149 Councilor Dennett stated his relation to the Dennett property is to the seventh degree.

150 The Council proceeded to discuss each item in the proposed plan as follows:

151 ITEM 1 – Reduce property owner share of betterment assessment from 50% to 18.7%

- 152 • Councilor Dennett felt it was not the proper time to discuss the item.
- 153 • Vice Chairperson Denault asked to incorporate consideration for units.
- 154 • Chairperson Beers noted that a per unit basis does not change the overall cost, but rather
- 155 re-distributes the cost. The crucial consideration is the availability of revenue.
- 156 • Councilor Lemont asked to see the analysis suggested by Vice Chairperson Denault. He
- 157 requested to see an analysis based on an average \$5,000 assessment per parcel.
- 158 Chairperson Beers detailed the average cost for each past project and the overall
- 159 averages.

160 ITEM 2 – Retain 50-25-25 allocation formula (same as all others, but one)

- 161 • The Council unanimously agreed to review a formula based on the number of units per
- 162 property.
- 163 • Council Dennett noted that for large properties with excessive acreage, it has been past
- 164 practice to assess those properties in sections based on the overall average lot size. The
- 165 assessment would only apply to where the buildings were located and the rest of the land
- 166 would not be charged until it was developed.

167 ITEM 3 – Ordain revisions to the Town Code Title 13 to mitigate the 90-day connection mandate

- 168 • Town Manager Granfield explained to Vice Chairperson Denault that septic systems in
- 169 the 10-year window is based on the time it was installed. Chairperson Beers considered
- 170 that to be a reasonable recommendation because there is no mechanism for differentiating
- 171 different systems that fall within the 90-day window.
- 172 • Councilor Thomson clarified the interpretation of the existing ordinance in that the
- 173 connection requirement could be deferred up to 10 years, but not the assessment charges.

174 Chairperson Beers requested that another item be added relating to pump-up systems.

175 Chairperson Beers saw consensus to bring the four items discussed forth for ordinance revision

176 and public hearing.

177 ITEM 4 – Authorize a payment plan interest rate at 2.00%

- 178 • Chairperson Beers felt this could receive the same consideration as the others previously
- 179 mentioned when the plan comes forward.

180 Chairperson Beers noted that a hearing and adoption of the plan be scheduled for August 15,

181 2016. At that meeting, the ordinance revisions and considerations would be addressed.

182 10. PUBLIC HEARINGS – None.

183 11. DISCUSSION

184 a. Discussion by members of the public (three minutes per person)

185 Gary Holmes

186 Mr. Holmes introduced himself as representing the Bethany Church of Greenland, NH. He noted

187 that a petition has been provided to Council from the First Baptist Church for the Town to

188 assume the title of the ancient burial ground deed. He noted that the Town has been maintaining

189 the cemetery for decades.

Barbara Bean, Martin Road

Ms. Bean explained the discrepancies in property area and frontage calculation that she identified. She asked a series of questions as follows:

- What method was used to determine the unit cost per parcel? Distributive fees of property owners does not appear equitable. Individual considerations should be made to unit occupancies.
- What is the origin used of the numbers used in the current revision? Based on the current provision, her betterment fee would be \$2,400. There was a reference made at the public meeting in May that the average assessment per parcel was \$2,500-\$5,000 range over 250 projects.
- How are the impact and connection fees of \$4,500 comparable to past projects? The property being developed should be considered betterment, not just impact.
- When is date for the special meeting?
- If citizens are not satisfied with the current assessments, what is the recourse for individuals? Do we go to arbitration or is there a prior negotiation point to have concerns heard individually or collectively?

Tricia Robillard, Martin Road

Ms. Robillard thanked the Town for the sewer betterment proposal. As a taxpayer, she is surprised that the project was not handled more professionally. She questioned how the consideration for buildable lots was not already studied. The purpose of this project was for economic expansion and she felt further research needs to be conducted before formulating a new proposal, specifically in impact fees and negotiations for easements. She was thankful there is more time available until next meeting to devise a fair and equitable solution for all.

Willie Goodson, 15 Martin Road

Mr. Goodson thanked the staff and Council for their work regarding the sewer betterment fees. He felt that errors need to be corrected as soon as possible regardless of past practices. He requested guidelines be provided to the homeowners regarding what is required to connect to the sewer system to include schedule of the pipe, pitch of the pipe, how much fill is required, or who should conduct inspections.

Kathy Hawkes, Stevenson Road

Ms. Hawkes thanked the staff and Council for their work regarding the sewer betterment fees. She felt that the comments made in a previous meeting regarding the Comprehensive Public Forum may have been understood as a condemnation to some. She stated her intent was to raise awareness to the need for availability of information and she encouraged individuals to ask questions when information is missing. She asked a series of questions as follows:

- Were any past projects that did not include multi-unit parcels including in the calculation of the historical average assessment per parcel? She felt that those examples do not provide a good basis for comparison in the current sewer expansion project.
- Does the ordinance address whether the assessments will be recorded as a lien, in the event homeowners choose to finance the assessments?
- Are there are additional fees that may result?
- If re-routing plumbing to be gravity fed, is that an option?
- Are there additional fees for new connections?

Henry Martin, Bartlett Road

Mr. Martin noted the Clarkson Moore cemetery off School Lane is actually called the Baptist cemetery. The cemetery on the corner of Crockett Neck Road and Haley Road is labeled Clarkson Moore Cemetery. To his knowledge, there is no Clarkson Moore Cemetery in Kittery Point. Mr. Martin owns 12 vacant grave lots and he was aware of others that are privately purchased and owned. He was unsure what will happen if the Town takes ownership of these lots. He cited Title 13.1.22.1 regarding deeding the land. He asked what the Town's plan is to communicate to the residents in the event of property title ownership transfers. He suggested that the Town approach this title change cautiously and expressed his concern.

Don Petty, Martin Road

Mr. Petty asked when paving will begin on Martin Road.

Bruce Wiggin, 25 Jones Ave

Mr. Wiggin referenced his assessment he paid years ago. He noted that the residents in that areas pay rent for all the fire hydrants and street lights. Sharing the cost by a betterment fee to offer a new pipeline is a great idea. He felt that we can't own that pipe as individuals. He asked if any future value calculation has been conducted to identify the earnings potential over the life of the pipe. He felt that the Town should be responsible for the entire cost of the pipe. He suggested that the costs be depreciated sufficiently to reduce the costs to property owners. Mr. Wiggin described a situation when the total costs of water consumption shortfall was imposed on residents after the PNSY installed water saving devices.

b. Response to public comment directed to a particular Councilor – None.

c. Chairperson's response to public comments

Mr. Holmes and Ms. Bean – the calculation material was preliminary. The April 28, 2016 and June 27, 2016 proposed formula was confirmed by Town's planning and assessing staff based on property records on file. If discrepancies exist, the owner has the opportunity for a valid appeal and the assessing department would make corrections to the record. The project's inflation calculation came directly from Steve Tapley's data provided at the May 2, 2016 forum. Copies can be provided.

Ms. Robillard – The Council will work diligently to complete the proposal as best as possible.

Mr. Goodson – Guidelines for connection procedures can be formulated.

Ms. Hawkes – The lien payment plans will be addressed in proposed plan.

Mr. Wiggin – There have been forward projections of revenue to be earned for newly installed pipe and the 25-year profile for payment of departmental expense. The user or quarterly fees are dedicated to repair operations and maintenance.

12. UNFINISHED BUSINESS – None.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

- (060216-2) The Kittery Town Council moves to accept donations from Kenneth

272 Bonnell, Donald & Nicole Kerr and the Kittery Maine Improvement Fund in the
273 amount of \$460.00 for the Thresher Memorial Fund.

274 **A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT DONATIONS TO**
275 **BE DEPOSITED INTO ACCOUNT #500743600 FROM KENNETH BONNELL,**
276 **DONALD & NICOLE KERR AND THE KITTERY MAINE IMPROVEMENT FUND IN**
277 **THE AMOUNT OF \$460.00 FOR THE THRESHER MEMORIAL FUND, SECONDED**
278 **BY COUNCILOR SPILLER. MOTION CARRIED BY VOICE VOTE 6/0/0.**

279 • (060216-3) The Kittery Town Council moves to accept a donation of a small
280 refrigerator from Richard Brooks to be used at the Gate House at Fort Foster.

281 **A MOTION WAS MADE BY COUNCILOR THOMSON TO ACCEPT WITH**
282 **GRATITUDE A DONATION OF A SMALL REFRIGERATOR FROM RICHARD**
283 **BROOKS TO BE USED AT THE GATE HOUSE AT FORT FOSTER, SECONDED BY**
284 **COUNCILOR SPILLER. MOTION CARRIED BY VOICE VOTE 6/0/0.**

285 b. (060216-4) The Kittery Town Council moves to approve the disbursement warrants.

286 Town accounts payable of \$397,876.97.
287 Sewer account payable of \$1,504.70.
288 School accounts payable of \$230,590.68.
289 Total of all disbursement warrants of \$629,972.35.

290

291 Councilor Dennett stated that the Town and Sewer warrants are in order. Councilor Lemont that
292 the School warrants are in order.

293 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE THE**
294 **DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR THOMSON. MOTION**
295 **CARRIED BY VOICE VOTE 6/0/0.**

296 c. (060216-5) The Kittery Town Council moves to schedule a public hearing on July 11,
297 2016 on proposed amendments to Title 13 of the Kittery Town Code.

298 The agenda item was withdrawn.

299 d. (060216-6) The Kittery Town Council hereby resolves to extend adoption of the
300 Sewer Enterprise Fund Budget to not later than 29 July 2016.

301 Councilor Dennett explained the purpose of the agenda item. The motion intends to sustain the
302 sewer department with an extended deadline.

303 **A MOTION WAS MADE BY COUNCILOR DENNETT TO RESOLVE TO EXTEND**
304 **THE ADOPTION OF THE SEWER ENTERPRISE FUND BUDGET TO NOT LATER**
305 **THAN JULY 29, 2016, SECONDED BY CHAIRPERSON BEERS.**

306 Councilor Thomson understood the Charter indicates in the circumstance a budget is not adopted
307 before July 1, 2016, only 1/12th of expenditures can be made. Councilor Dennett noted that it
308 requires a resolution.

309 **ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 6/0/0.**

310 e. (060216-7) The Kittery Town Council moves to sign a Release Deed, releasing the
311 tax liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine
312 identified as Assessor's Tax Map 60 Lot 24-1.

313 **A MOTION WAS MADE BY COUNCILOR THOMSON TO SIGN A RELEASE DEED,**
314 **RELEASING THE TAX LIENS TO DSS LAND HOLDINGS LLC FOR PROPERTIES**
315 **LOCATED AT ADAMS ROAD, KITTERY, MAINE IDENTIFIED AS ASSESSOR'S**
316 **TAX MAP 60 LOT 24-1, 24-2, 24-3, 24-4, 24-5, AND 24-6 TO BE HELD BY THE TOWN**
317 **ATTORNEY AND RELEASED UPON RECEIPT OF PAYMENTS ON OR ABOUT**
318 **JULY 15, 2016, SECONDED BY CHAIRPERSON BEERS.**

319 Councilor Dennett expressed concern that no indications had been provided that the tax liens had
320 been paid off.

321 Mr. Duncan McEachern, the Town Attorney, explained that the owner of the property does not
322 have enough funds until the sale of the property occurs. The property owner's lawyers were
323 present. Mr. McEachern explained that the deed would be held in escrow until the money is
324 received. Councilor Dennett asked if it is necessary to have a release deed delivered for it be
325 valid. Mr. McEachern replied in the affirmative and that he or anyone else could hold the deed,
326 but they would not be delivered to the owner of the property. He stated the amount owed is
327 roughly \$25,000.

328 Chairperson Beers asked whether payment of liens could be held contingent upon the closing on
329 or about July 15, 2016. Mr. McEachern recommended that they should be. The Town should not
330 release the deed until it has the funds and this is not uncommon practice.

331 Chairperson Beers requested that the motion be amended to include contingent upon payment of
332 tax liens on or about July 15, 2016. Councilor Dennett requested to include in the motion that the
333 deed be held by the Town attorney.

334 Councilor Dennett stated for the record his opposition to the motion.

335 **ROLL CALL TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION CARRIED**
336 **5/1/0.**

337 f. (060216-8) The Kittery Town Council moves to sign a Release Deed, releasing the
338 tax liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine
339 identified as Assessor's Tax Map 60 Lot 24-2.

340 The previous motion carried to sign a Release Deed for Tax Map 60 Lot 24-2.

341 g. (060216-9) The Kittery Town Council moves to sign a Release Deed, releasing the tax
342 liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine identified
343 as Assessor's Tax Map 60 Lot 24-3.

344 The previous motion carried to sign a Release Deed for Tax Map 60 Lot 24-3.

345 h. (060216-10) The Kittery Town Council moves to sign a Release Deed, releasing the
346 tax liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine
347 identified as Assessor's Tax Map 60 Lot 24-4.

348 The previous motion carried to sign a Release Deed for Tax Map 60 Lot 24-4.

349 i. (060216-11) The Kittery Town Council moves to sign a Release Deed, releasing the
350 tax liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine
351 identified as Assessor's Tax Map 60 Lot 24-5.

352 The previous motion carried to sign a Release Deed for Tax Map 60 Lot 24-5.

353 j. (060216-12) The Kittery Town Council moves to sign a Release Deed, releasing the
354 tax liens to DSS Land Holdings LLC for property located at Adams Road, Kittery, Maine
355 identified as Assessor's Tax Map 60 Lot 24-6.

356 The previous motion carried to sign a Release Deed for Tax Map 60 Lot 24-6.

357 k. (060216-13) The Kittery Town Council moves to act on a petition submitted to the
358 Town Council by the First Baptist Church of Kittery Point, in accordance with Title 13 M.R.S.
359 §1221, to accept title ownership of the Baptist Cemetery located northerly of School Lane and
360 adjacent to the Petitioner's church building at the intersection of Haley Road and School Lane.

361 No motion was heard to act on the petition submitted to the Town Council by the First Baptist
362 Church.

363 l. (060216-14) The Kittery Town Council moves to endorse the Portsmouth-based
364 Seacoast Area Renewable Energy Initiative (SEAREI) to facilitate a bulk purchase solar energy
365 project – the first of its kind in the seacoast.

366 **A MOTION WAS MADE BY COUNCILOR THOMSON TO ENDORSE THE**
367 **PORTSMOUTH-BASED SEACOAST AREA RENEWABLE ENERGY INITIATIVE**
368 **(SEAREI), SECONDED BY COUNCILOR SPILLER.**

369 Councilor Dennett stated for the record his abstention from the vote due to lack of information
370 provided.

371 **ROLL CALL TAKEN WITH COUNCILOR DENNETT ABSTAINING. MOTION**
372 **CARRIED 5/0/1.**

373 m. (060216-15) The Kittery Town Council moves to approve a renewal application from
374 Tributary Brewing Company LLC, 5 Winding Brooke Lane, South Berwick, Maine, for a Malt
375 Liquor License for Tributary Brewing Company 10 Shapleigh Road

376 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL**
377 **APPLICATION FROM TRIBUTARY BREWING COMPANY LLC, 5 WINDING**
378 **BROOKE LANE, SOUTH BERWICK, MAINE, FOR A MALT LIQUOR LICENSE FOR**
379 **TRIBUTARY BREWING COMPANY 10 SHAPLEIGH ROAD, SECONDED BY**
380 **COUNCILOR SPILLER. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION**
381 **CARRIED 6/0/0.**

382 14. COUNCILOR ISSUES OR COMMENTS

383 Councilor Lemont noted the Economic Development Committee is making progress and felt a
384 recent workshop with the Planning Board went well.

385 Councilor Lemont noted that Councilor Thomson led the Town Council for 8 years and
386 commended his leadership skills.

387 Councilor Spiller followed up with the previous vote regarding the Spruce Creek project. She
388 noted there is no information available on the Town website regarding the project and that
389 Councilor Lemont is still listed as a member of the Shellfish Conservation Committee. Councilor
390 Spiller felt it would be helpful to have more information from the Shellfish Conservation
391 Committee.

392 Vice Chairperson Denault stated he received a complaint from a resident on South Eliot Road
393 that a manhole cover was paved over at Old Dennett Road.

394 Vice Chairperson Denault felt local residents had benefited from the PNSY traffic control when
395 it was in place. Lack of traffic control has caused traffic issues around the PNSY gates. The new
396 Police Chief and PNSY should ensure there are no communication gaps regarding this issue by
397 possibly recertifying the officers with a strict policy or temporarily detail Kittery police officers.

398 Councilor Thomson stated it is time for canine waste at Fort Foster and Seapoint Beach be
399 addressed.

400 15. COMMITTEE AND OTHER REPORTS

401 a. Communications from the Chairperson

402 Town Manager Granfield reported at the last meeting that the PNSY traffic issues continue to be
403 discussed.

404 Chairperson Beers drafted terms for the appointment process of Planning Board and Board of
405 Appeals and would like to see an ordinance revision discussed in the next meeting.

406 Eaton & Peabody asked that Town Manager salary range benefits expression be provided for the
407 July 11, 2016 meeting.

408 b. Committee Reports

409 The York Scenic and Wild River Designation Committee is meeting June 28, 2016 at 5:30pm at
410 the Grand House.

411 The Wood Island working group is in receipt from National Parks Program Manager expressing
412 Federal Lands Program approval for the draft revisions to the repair and maintenance concession
413 agreements. They will be put forth before the full Council for consideration.

414 16. EXECUTIVE SESSION – None.

415 17. ADJOURNMENT

416 **IT WAS MOVED BY COUNCILOR SPILLER, SECONDED BY COUNCILOR**
417 **THOMSON TO ADJOURN THE MEETING AT 8:55 P.M. ALL WERE IN FAVOR BY A**
418 **VOICE VOTE. MOTION PASSED 6/0/0.**

419 Submitted by Marissa Day, Minutes Recorder, on July 14, 2016.

420 *Disclaimer: The following minutes constitute the author's understanding of the meeting. While*
421 *every effort has been made to ensure the accuracy of the information the minutes are not intended*
422 *as a verbatim transcript of comments at the meeting, but a summary of the discussion and*
423 *actions that took place. For complete details, please refer to the video of the meeting on the*
424 *Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.*

1. Call to Order

Chairperson Beers called the meeting to order at 7:02 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Pledge of Allegiance

Chairperson Beers led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll call were Chairperson Gary Beers, Councilors Frank Dennett, Russell White, Kenneth Lemont, Judith Spiller, and Jeffrey Thomson.

Absent from the roll call was Vice Chairperson Charles Denault.

5. Agenda Amendment and Adoption

Chairperson Beers requested to amend Item 13f to read “The Kittery Town Council moves to discuss amendment to Title 4 Kittery Town Code regarding Planning Board and Board of Appeal appointments.”

Chairperson Beers requested to move Item 13e to Item 9a in respect to Town staff presence. The present Item 9 changed to Item 9b.

Agenda was adopted as amended.

6. Town Manager’s Report

Town Manager Granfield reviewed her written report.

Retirement – The Kittery Commissioner of Public Works, Norm Albert, is retiring on August 31, 2016 after 28 years of service. The recruitment process for that position has begun.

Sewer Betterments – After the result of the feedback in previous meetings, the sewer betterment plan is being updated and modifications will be reviewed in a workshop on July 18, 2016 in preparation for a final adoption on August 15, 2016 at 6:00 PM at Shapleigh School.

John Paul Jones Park – Staff is in the process of finalizing an update of agreement and waiting upon response from Maine Bureau of Parks. The Bureau wants to convey the park to the Town as soon as possible, but that still has not occurred.

Town Manager Search – The Eaton & Peabody consulting team will be soliciting the new Town Manager position on July 18, 2016 and soliciting citizens to assist in an interview panel beginning July 12, 2016.

PNSY Traffic – The Town Manager, Police Chief, Commissioner of Public Works, and PNSY continue to hold meetings regarding the traffic situations at the PNSY gates to include updating

- 33 the memorandum of understanding and measures for monitoring traffic related issues.
- 34 Kittery Water/Island Areas –Chief Soucy, Harbor Master, and Town Manager Granfield traveled
35 to the harbor to observe water areas and inlet areas. They met several individuals on the tour who
36 appreciated the additional visibility of the areas. The Police Chief anticipated having more police
37 presence in those areas.
- 38 Parking in Foreside Area – Parking in the Foreside area continues to be a concern from local
39 residents. Town Manager Granfield worked with the Police Chief and Town Planner to prepare a
40 meeting in August for business owners and residents in the surrounding area to discuss possible
41 improvements.
- 42 Employee Recognition – Employee Service Awards will be recognized once per month at Town
43 Council meetings beginning in August.
- 44 Town Manager Granfield reviewed items not included in her written report.
- 45 KCC 2016 Revenue – Town Manager Granfield reported positive news that the Kittery
46 Community Center exceeded their projected revenues with projected revenue of \$750,000 and
47 actual revenue of \$813,000.
- 48 Committee – An Appointment Committee the prior Town Manager had set forth was designated
49 to review Title 4 regarding Boards and Committees. Councilors Lemont, White, and Denault had
50 assisted with that process, which apparently stopped in January. Town Manager Granfield
51 anticipated reactivating that initiative.
- 52 Councilor Thomson thanked the Town Manager for the KCC 2016 budget information. He
53 clarified that the actual total was \$814,151.29 for FY16. That's \$64,151.29 over the projected
54 revenue.
- 55 7. Acceptance of Previous Minutes – None.
- 56 8. Interviews for the Board of Appeals and Planning – None.
- 57 9. All items involving the town attorney, town engineers, town employees or other town
58 consultants or requested officials.
- 59 a. (070116-1) The Kittery Town Council moves to schedule a public hearing for July
60 25, 2016 to ordain amendments to Title 16 of the Kittery Town Code.
- 61 **A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC**
62 **HEARING FOR JULY 25, 2016 TO ORDAIN AMENDMENTS TO TITLE 16,**
63 **SECONDED BY CHAIRPERSON BEERS. MOTION CARRIED BY VOICE VOTE 6/0/0.**
- 64 b. (070116-2) The Kittery Town Council moves to approve the release of funds for the
65 Spruce Creek Sonde Collection Proposal.
- 66 Commissioner of Public Works, Mr. Norm Albert, explained the original proposal intended to
67 utilize an alternative procurement method to FB Consulting for continued testing, which then
68 faced issues with Council. The proposal in discussion would attempt to receive a minimum of
69 three quotations.

70 Councilor Dennett asked what progress has been made. Mr. Albert explained that with further
71 testing the creek could potentially be ready for clam fishing in 2020. If testing does not continue,
72 there will be further testing required at that time in an effort to collect at least five years of
73 consecutive data. The testing of DMR is called bag test that is where concentrated areas are
74 monitored for inflows and outflows.

75 Councilor Spiller noted the sampling of this proposal is to identify hot spots, which helps to
76 address the source of the problem. Mr. Albert agreed with that statement and added that once a
77 hot spot is identified, the testing would move upstream to isolate other problematic areas.

78 Councilor Lemont asked how many hot spots were identified. Mr. Albert was unsure, but
79 believed the plan included a number. Councilor Lemont noted that one hot spot was identified at
80 the Shellfish Conservation Committee meeting, yet others located near Spinney Creek from
81 Chickering Creek would be addressed by the sewer improvements. Mr. Albert explained that
82 there still exist hot spots on Picott Road. Councilor Lemont felt uncomfortable expending funds
83 until the Portsmouth plant is decided.

84 Councilor Spiller asked if the funds would need to return to the State if not approved. Mr. Albert
85 replied in the negative.

86 Councilor Thomson noted that the report to Council did not indicate the specific source of funds.
87 Mr. Albert replied that the funding would come from unencumbered surplus. He noted that last
88 year it was sourced from CIP drainage fund and the year prior from the Town Manager.
89 Chairperson Beers made a presumption that it would come from voter approved warrant article
90 for exposure of unencumbered surplus. Councilor Thomson asked if a public hearing or account
91 number is necessary. Chairperson Beers replied a public hearing would not be necessary as the
92 vote had authorized Council to approve those expenditures.

93 Councilor White asked if a trend analysis could be conducted after receiving another year of
94 data. Mr. Albert replied that it is necessary to have five consecutive years of data to show
95 improvements. Mr. Albert noted that depending on the report, Peirce Island, and the manner in
96 which the next commissioner moves, the process forward will determine the future years leading
97 to 2020.

98 Councilor White stated he had heard completing the testing would avoid potential fines from
99 EPA. Mr. Albert confirmed that statement and noted that the new full-time position could
100 potentially conduct some of the work resulting in reduced costs.

101 **A MOTION WAS MADE BY COUNCILOR THOMSON TO AUTHORIZE IN**
102 **ACCORDANCE WITH THE JUNE 7, 2016 TOWN MEETING ARTICLE 4 THE**
103 **RELEASE OF FUNDS FROM UNENCOMBERED SURPLUS IN AN AMOUNT NOT TO**
104 **EXCEED \$10,000 TO COMPLETE THE SPRUCE CREEK SONDE COLLECTION**
105 **PROPOSAL AS PRESENTED BY THE DPW, SECONDED BY COUNCILOR SPILLER.**

106 Councilor Lemont asked the probability of the EPA imposing a fine to the Town. Mr. Albert was
107 unsure.

108 Councilor Dennett stated his support for the vote, but felt there is an unclear end point in the
109 project.

110 Chairperson Beers stated his opposition for the vote as the Shoreland Resource Officer
111 conversion to full-time was intended to handle the nature of the activities in the proposal.

112 **ROLL CALL TAKEN WITH COUNCILOR LEMONT AND CHAIRPERSON BEERS**
113 **OPPOSED. MOTION CARRIED 4/2/0.**

114 10. PUBLIC HEARINGS

115 a. (070116-3) The Kittery Town Council moves to approve a renewal application from
116 Tributary Brewing Company LLC, 5 Winding Brooke Lane, South Berwick, Maine, for a
117 Special Activity Amusement Permit for Tributary Brewing Company 10 Shapleigh Road.

118 Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers
119 closed the public hearing.

120 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE A RENEWAL**
121 **APPLICATION FROM TRIBUTARY BREWING COMPANY LLC, 5 WINDING**
122 **BROOKE LANE, SOUTH BERWICK, MAINE, FOR A SPECIAL ACTIVITY**
123 **AMUSEMENT PERMIT FOR TRIBUTARY BREWING COMPANY 10 SHAPLEIGH**
124 **ROAD, SECONDED BY COUNCILOR THOMSON. ROLL CALL TAKEN WAS ALL IN**
125 **FAVOR. MOTION CARRIED 6/0/0.**

126 11. DISCUSSION

127 a. Discussion by members of the public (three minutes per person)

128 Kathy Hawkes, Stevenson Road

129 Ms. Hawkes thanked the staff and Council for continuing to work on the betterment assessments.
130 She felt the last meeting demonstrated the need for additional consideration to the assessment
131 fees and the rules for connection. She looked forward to the next discussion in an effort to find a
132 fair and equitable solution. She reminded that it is important citizens have information available
133 in a timely manner.

134 Jim Forbes, Mill Pond Road

135 Mr. Forbes noted that previous meetings stated by Forest Bell stating there is no data statistically
136 relevant to the Spruce Creek hot spots. He wondered if the data would be relevant in 2020 and if
137 there is an end point to the project. The DMR has determined the river is clean enough for clam
138 fishing, except for one spot that would be addressed with the sewer improvements. The FDA has
139 already ruled that clam fishing cannot occur until the Portsmouth site has been resolved. He
140 hoped there be a vote for reconsideration.

141 D. Allan Kerr, 4 Colonial Road

142 Mr. Kerr felt a comment made in the previous workshop with the Rice Public Library was
143 disingenuous. He reminded the library is not a for-profit organization, but rather a facility that
144 provides free services generating minimal amount of revenues. He questioned the real impacts of
145 the proposed library at the KCC site and felt there is potential for increased revenues at both
146 buildings. Mr. Kerr thanked Mr. Albert for his service and felt the Town will miss his loss.

147 Barry Fitzpatrick, Rogers Road

148 Mr. Fitzpatrick did not mind where the library goes, but was most concerned with the library

existing in the Taylor building. He did not feel comfortable with the fact that the children's area is in the cellar of that building due to the outdated egress. For that reason, he felt the Town ought to be strongly interested in relocating the library. There are other locations that could be suitable for a proposed outdoor theatre area and library that would leave the views of the KCC from Rogers Road as they stand.

Steve Workman, Bridge Street

Mr. Workman followed up to Councilor Spiller's question in the previous workshop with the Rice Public Library. The footprint of the proposed library has not changed from its 20,000 square foot U-shape at different suggested locations. The controversy at hand is in regards to adequate land use and proper planning, which has been missing from the process. The KCC board has voted only once, which was specifically voted to reserve the capacity of the East Wing annex and avoid limiting capacity for future expansion. He felt that all should be cautious in their commentary and be aware of castigating other boards and committees. Mr. Workman felt that further guidance is required in order to proceed.

b. Response to public comment directed to a particular Councilor – None.

c. Chairperson's response to public comments

Ms. Hawkes –The staff and Council plan to take the measured time to find a solution as right as possible.

Mr. Forbes – Chairperson Beers had greater hope for the full-time Shoreland Resource Officer to handle that data.

Mr. Kerr, Mr. Fitzpatrick, and Mr. Workman – Chairperson Beers considered the previous workshop to be Town Council's first encounter with the proposal presented and now expects to seek resolution. He added that his problem arose where discussions have not occurred before Town Council, not the nature or circumstances of the decisions.

12. UNFINISHED BUSINESS

a. (070116-4) The Kittery Town Council moves to approve changes to the Eaton & Peabody Contract.

A MOTION WAS MADE BY COUNCILOR DENNETT TO APPROVE CHANGES TO THE EATON & PEABODY CONTRACT, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 6/0/0.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition – None.

b. (070116-5) The Kittery Town Council moves to approve the disbursement warrants.

Town accounts payable of \$78,168.10.

Town accounts payable of \$12,023.34.

Town accounts payable of \$188,687.51

Sewer account payable of \$11,529.94.

Sewer account payable of \$6,125.49.

187 Sewer account payable of \$1,454.51
188 School accounts payable of \$61,736.65.
189 School accounts payable of \$274,624.23.
190 Total of all disbursement warrants of \$634,349.77.

191
192 Councilor Dennett stated that the Town and Sewer warrants are in order. Councilor Lemont that
193 the School warrants are in order.

194 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE**
195 **DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR SPILLER. MOTION**
196 **CARRIED BY VOICE VOTE 6/0/0.**

197 c. (070116-6) The Kittery Town Council moves to vote its nomination for the 2016-2018
198 Legislative Policy Committee (LPC).

199 **A MOTION WAS MADE BY COUNCILOR SPILLER TO NOMINATE PERRY**
200 **ELLSWORTH FOR THE 2016-2018 LEGISLATIVE POLICY COMMITTEE (LPC),**
201 **SECONDED BY COUNCILOR THOMSON. MOTION CARRIED 6/0/0 BY VOICE**
202 **VOTE.**

203 d. (070116-7) The Kittery Town Council moves to schedule a public hearing for 7/25/16
204 to ordain and adopt the 2016-2017 Sewer Budget.

205 **A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC**
206 **HEARING FOR 7/25/16 TO ORDAIN AND ADOPT THE 2016-2017 SEWER BUDGET,**
207 **SECONDED BY COUNCILOR BEERS. MOTION CARRIED 6/0/0 BY VOICE VOTE**

208 e. (070116-8) The Kittery Town Council moves to discuss amendment to Title 4 Kittery
209 Town Code regarding Planning Board and Board of Appeal appointments.

210 Chairperson Beers noted that this is solely a discussion for consideration; that his handout was
211 not a recommendation. It was one way, not the only way, and maybe not the best way, but was
212 intended to provide focus on the language needing consideration.

213 Councilor Spiller appreciated Chairperson Beers' work. She recommended that the document be
214 reviewed by the committee on appointments.

215 Councilor Thomson noted that Town Manager Granfield intended to have this reviewed by the
216 Appointment Committee. Chairperson Beers stated his support for that notion. Councilor White
217 felt it is a suitable first order of activity for the Appointment Committee.

218 Councilor Dennett noted that at line 50 a semicolon be added after "appointment" and to add a
219 period at the end.

220 Councilor Thomson suggested that the Appointment Committee prepare a set of questions for
221 interviewers of various boards and committees. He remembered that the initial provision of the
222 Title intended it have the interview conducted outside the Council vote. Councilor Spiller
223 remembered it as being more efficient to conduct the interview and voting in the same session.

224 14. COUNCILOR ISSUES OR COMMENTS

225 Councilor Lemont asked if an individual representing the Town was supposed to be present at
226 the last Port Authority meeting. Town Manager Granfield explained that based on
227 correspondence with the Port Authority, it was decided a representative from the Town would
228 not be necessary. Councilor Lemont asked if the meeting was to discuss whether Wood Island
229 pay fees. Chairperson Beers explained that the Town exempts itself from paying itself fees and
230 the consideration was for the Port Authority to view it as a Town project on Town property to
231 transit materials. Also, WILSSA is the Town's agent for administration of contracts, therefore, a
232 WILSSA member being present is representing the Town. However, it was learned that the
233 WILSSA member did not deal with matters in a clear fashion.

234 Councilor Lemont asked if the responsibility for resolution of the library plans falls on the
235 Council. Chairperson Beers sought that an agenda item at next meeting arise for discussion.

236 Councilor Spiller asked when the line striping on Rte. 103 will occur. Mr. Albert replied that line
237 striping for the whole Town is scheduled for the third to last week of July.

238 Councilor Thomson requested that the workshop items for July 15, 2016 be moved to the regular
239 meeting on July 25, 2016 and the workshop with the Parks commission be moved to the regular
240 meeting on August 8, 2016.

241 Councilor Thomson stated he has received several concerns regarding the time required for the
242 gates at the bridge to move up and down. He asked that the information be researched and
243 provided to the Town. Mr. Albert noted that this issue was a major discussion at the last DOT
244 meeting held at the KCC. The bridge is wired in that manner that would require extensive
245 rewiring to operate all gates at the same time. The new Sarah Mildred Long Bridge will operate
246 in that fashion. Councilor Thomson suggested to ask whether a discussion with City of
247 Portsmouth City Manager, Mr. Bohenko, is in order.

248 15. COMMITTEE AND OTHER REPORTS

249 a. Communications from the Chairperson

250 Chairperson Beers cited an announcement from Eaton & Peabody. The announcement includes
251 details of a volunteer opportunity for citizens to interview for a 7-9 person citizen panel on
252 Tuesday, September 13, 2016 from 8:00am – 5:00pm. This citizen panel will help to select the
253 new Town Manager. Applications will be made available at the Town Clerk's office and Town
254 website. The submission deadline for applications is no later than August 12, 2016.

255 Chairperson Beers requested that Town Council hold a workshop to discuss sewer betterment
256 assessment fees on July 18, 2016, which should provide valuable information to serve as the
257 basis for the proposed plan and Council needed to provide direction to the Town Manager.

258 A Town Council and Parks Commission workshop to discuss address dogs and chickens is
259 postponed to a date to be determined.

260 Chairperson Beers requested that Town Council meet with the Economic Development
261 Committee, as requested on August 8, 2016, which is before the sewer betterment proposal plan
262 adoption.

263 b. Committee Reports – None.

264 16. EXECUTIVE SESSION – None.

265 17. ADJOURNMENT


266 **IT WAS MOVED BY COUNCILOR THOMSON, SECONDED BY COUNCILOR**
267 **WHITE TO ADJOURN THE MEETING AT 8:06 P.M. ALL WERE IN FAVOR BY A**
268 **VOICE VOTE. MOTION PASSED 6/0/0.**

269 Submitted by Marissa Day, Minutes Recorder, on July 14, 2016.

270 *Disclaimer: The following minutes constitute the author's understanding of the meeting. While*
271 *every effort has been made to ensure the accuracy of the information the minutes are not intended*
272 *as a verbatim transcript of comments at the meeting, but a summary of the discussion and*
273 *actions that took place. For complete details, please refer to the video of the meeting on the*
274 *Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.*

Memorandum

TO: Town Council
FROM: Cindy L. Saklad, Finance Director
DATE: July 11, 2016 for 7/25/16 Meeting
RE: 2006 Bond Re-financing



In 2006, the Town of issued general obligation bonds dated as of August 15, 2006, in the original principal amount of \$5,765,000 to refund a prior obligation and to finance renovating and equipping the Town's existing fire station located on Haley Road and constructing and equipping a new fire station on Gorges Road.

The 2006 Bonds provide that bonds of the issue of 2006 Bonds maturing on and after November 1, 2017, are subject to redemption prior to their stated dates of maturity, at the option of the Town, on and after November 1, 2016, as a whole or in part at any time, in such order of maturity as the Town, in its discretion, may determine at the respective redemption prices;

After the current bond payment is made prior to November 1, 2016, there will remain an outstanding principal balance of \$1,140,000.00 owed on the 2006 Bonds with an interest rate of 4.50%. Joe Cuetara, our bond advisor, has indicated we can refinance the bonds to obtain an estimate rate of 2.00% resulting in an interest net savings of \$159,350.00. (See attached summary of savings.)

The Bond Sale will occur on September 13, 2016 with the release of funds dated September 29, 2016. A complete schedule is attached.

Town of Kittery, Maine
2016 General Obligation Refunding Bonds
(August 9, 2016 Sale)

Savings Report

Date	Principal	Proposed Coupon	Debt Service Interest	Total	Prior Debt Service	Savings	Cumulative Savings
11/ 1/16			4,180.00				
5/ 1/17			11,400.00	15,580.00	35,055.00	19,475.00	19,475.00
11/ 1/17	125,000.00	2.000000	11,400.00				
5/ 1/18			10,150.00	146,550.00	173,487.50	26,937.50	46,412.50
11/ 1/18	115,000.00	2.000000	10,150.00				
5/ 1/19			9,000.00	134,150.00	158,087.50	23,937.50	70,350.00
11/ 1/19	115,000.00	2.000000	9,000.00				
5/ 1/20			7,850.00	131,850.00	152,912.50	21,062.50	91,412.50
11/ 1/20	115,000.00	2.000000	7,850.00				
5/ 1/21			6,700.00	129,550.00	147,737.50	18,187.50	109,600.00
11/ 1/21	115,000.00	2.000000	6,700.00				
5/ 1/22			5,550.00	127,250.00	142,562.50	15,312.50	124,912.50
11/ 1/22	115,000.00	2.000000	5,550.00				
5/ 1/23			4,400.00	124,950.00	137,387.50	12,437.50	137,350.00
11/ 1/23	110,000.00	2.000000	4,400.00				
5/ 1/24			3,300.00	117,700.00	127,325.00	9,625.00	146,975.00
11/ 1/24	110,000.00	2.000000	3,300.00				
5/ 1/25			2,200.00	115,500.00	122,375.00	6,875.00	153,850.00
11/ 1/25	110,000.00	2.000000	2,200.00				
5/ 1/26			1,100.00	113,300.00	117,425.00	4,125.00	157,975.00
11/ 1/26	110,000.00	2.000000	1,100.00				
5/ 1/27				111,100.00	112,475.00	1,375.00	159,350.00
	1,140,000.00		127,480.00	1,267,480.00	1,426,830.00		159,350.00
ACCURED	1,140,000.00		127,480.00	1,267,480.00	1,426,830.00		159,350.00

Dated 8/25/16 with Delivery of 8/25/16
Bond Years 6,374.000
Average Coupon 2.000000
Average Life 5.591228
N I C % 1.550800 % Using 102.5115790

Weighted Bond Years 6,676.931
Weighted Average Life 5.615661
Weighted N I C % 1.480441 % Using 102.5115790
T I C % 1.524696 % From Delivery Date

Net Present Value Savings at: 1.1965% Equals 152,385.20 or 13.3671% of Par of the Current Issue
or 13.3671% of Par of the Prior Issue

Moors & Cabot, Boston, Massachusetts

Micro-Muni Debt Date: 06-29-2016 @ 08:59:35 Filename: KITTERY Key: 2016 REFG

Costs of Issuance	\$1,140,000 2016 Bonds
Advisory Fees	
Bonds @\$2.00/000	2,280.00
Total Advisory Expenses	4,100.00
	6,380.00
Other Costs of Issuance	
Moody's Rating	11,000.00
S&P Rating	-
Paying Agent	1,250.00
Bond Counsel	10,000.00
	22,250.00
Total Costs of Issuance	\$28,632.00

Savings Summary	
Prior 2006 Bonds' Interest:	\$286,830.00
Costs of Issuance:	28,632.00
Sub-total:	\$315,462.00
2016 Refunding Bonds' Interest:	(127,480.00)
Gross Savings:	187,982.00
Costs of Issuance (Financed):	(28,632.00)
Net Savings:	\$159,350.00

August 2016						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2016						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

November 2016						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Chronology Relating to the Sale of:
Town of Kittery, Maine
 \$1,140,000 2016 General Obligation Bonds
 Dated: September __, 2016; Due: November 1, 2017 - 2026

DATE	ACTION
Aug 1	Notify Bond Counsel, Paying Agent, Rating Agencies, CUSIP and DTC.
Aug 15	First draft of Preliminary Official Statement ("POS") and Notice of Sale ("NOS").
Aug 24	Second draft of POS.
Aug 29	Due diligence at Bond Counsel's Portland office.
Aug 29	Receive draft of legal opinion.
Aug 30	Final draft of POS.
Aug 30	Information to Rating Agencies.
Sep 2	Post sale on "Bond Buyer", Bloomberg, <i>ipreo prospectus</i> and <i>ipreo Parity</i> .
Sep 2	POS and NOS to rating agency and bidders.
Sep 5	Labor Day (National Holiday)
Sep 7	Last day for rating call(s).
Sep 8	Assignment of ratings.
Sep 13	Bond Sale.
Sep 13	Verbal award to lowest bidder.
Sep 13	Notify Bond Counsel, Paying Agent, CUSIP and DTC.
Sep 13	Information to market.
Sep 13	Draft of IRS Form 8038-G.
Sep 20	Signing by municipal officials. Forward to Bond Counsel.
Sep 26	Receipt from Bond Counsel. Forward to paying agent.
Sep 27	Escrow for DTC <i>FAST</i> closing.
Sep 29	DTC releases; Settlement w/purchaser.
Sep 29	Notify 2006 Bonds' Paying Agent as to call.
Nov 1	Redeem 2006 Bonds (33 days).

TOWN COUNCIL OF THE TOWN OF KITTERY

RESOLUTION AUTHORIZING REDEMPTION OF TOWN'S 2006 BONDS AND ISSUANCE OF REFUNDING BONDS IN PRINCIPAL AMOUNT NOT TO EXCEED \$1,140,000

WHEREAS, in 2006, the Town of Kittery (the "Town") issued general obligation bonds dated as of August 15, 2006, in the original principal amount of \$5,765,000 to refund a prior obligation and to finance renovating and equipping the Town's existing fire station located on Haley Road and constructing and equipping a new fire station on Gorges Road (the "Project") (the "2006 Bonds");

WHEREAS, the 2006 Bonds were issued under the authority of Title 30-A, Section 5772 of the Maine Revised Statutes, Section 6.07 of the Charter of the Town of Kittery, bond ordinances adopted by the Kittery Town Council (the "Town Council") at its meetings held on August 8, 2005, and August 22, 2005, an approving vote of the Town's voters at a referendum election held on November 8, 2005, and resolutions approved by the Town Council at its meetings held on February 13, 2006, and February 27, 2006;

WHEREAS, the 2006 Bonds provide that bonds of the issue of 2006 Bonds maturing on and after November 1, 2017, are subject to redemption prior to their stated dates of maturity, at the option of the Town, on and after November 1, 2016, as a whole or in part at any time, in such order of maturity as the Town, in its discretion, may determine at the respective redemption prices;

WHEREAS, after November 1, 2016, there will remain an outstanding principal balance of \$1,140,000.00 owed on the 2006 Bonds; and

WHEREAS, for the purpose of lowering debt service costs the Town desires to redeem the 2006 Bonds and to fund the redemption of the 2006 Bonds by issuing an amount not to exceed \$1,140,000.00 in general obligation refunding bonds;

NOW THEREFORE, BE IT HEREBY RESOLVED:

1. That pursuant to sections 2.06 and 2.07(3) of the Charter, section 5772 of Title 30-A of the Maine Revised Statutes, as amended, and all other applicable laws, the Town Treasurer (the "Treasurer") is authorized to take all actions necessary to provide for the Town to redeem the 2006 Bonds and to refund the 2006 Bonds on a current basis by issuing general obligation refunding bonds in a principal amount not to exceed \$1,140,000.00 in the aggregate, (the "Bonds");
2. That the Treasurer is authorized to issue a notice of redemption of the 2006 Bonds and to execute and deliver such other notices, documents and instruments and to take such other actions as may be required for the Town to redeem the 2006 Bonds;

3. That the Treasurer is authorized to prepare, issue, and sell the Bonds at one time or from time to time, as one or more separate issues, and to determine the date, form, interest rates, maturities, denominations, and all other details of each issue of the Bonds, including the form and manner of their sale and award, to the extent not inconsistent herewith;
4. That the Treasurer is authorized to execute and the Chairperson of the Town Council (the "Council Chairperson") to countersign the Bonds, which shall be sealed with the official seal of the Town and attested by the Town Clerk (the "Clerk"), and otherwise be in such form and contain such terms and provisions, not inconsistent herewith, as they shall approve, their approval to be conclusively evidenced by their execution thereof and that any signature on the Bonds may be by facsimile to the extent permitted by law;
5. That the Treasurer is authorized to provide for the sale of the Bonds at public or private sale, on such terms not inconsistent herewith as the Treasurer may approve, such approval to be conclusively evidenced by the execution thereof;
6. That the Bonds may be made callable, with or without premium, prior to final maturity, in the discretion of the Treasurer;
7. That the proceeds of the Bonds are appropriated to refund the 2006 Bonds, including payment of call premium, if any, and to pay costs of issuance of the Bonds and accrued interest, all as may be applicable;
8. That an amount sufficient for the payment of the annual payments of principal and interest on the Bonds, not payable from other sources, shall be included in the tax levy of each year until the debt represented by the Bonds is extinguished;
9. That in connection with the offering, sale, and issuance of the Bonds and the redemption of the 2006 Bonds, Moors & Cabot (the "Financial Advisor") is selected as financial advisor to the Town, the Treasurer is authorized to enter into an agreement for financial advisory services with the Financial Advisor with such changes as legal counsel shall recommend, if any, and to select bond counsel, underwriters, registrars, paying agents and transfer agents, and in connection with selecting and hiring any of the foregoing to execute and deliver such contracts or agreements as the Treasurer deems appropriate;
10. That the Treasurer is authorized to prepare or cause to be prepared a Preliminary Official Statement and an Official Statement for use in the offering and sale of any of the Bonds, which Statements shall be in such form and contain such information as may be approved by the Treasurer, and that the use and distribution of any such Preliminary Official Statement and Official Statement in the name of the Town in connection with offering the Bonds for sale is approved;
11. That the Treasurer is authorized to provide for any of the Bonds to be issued in registered form, transferable only on the registration books of the Town, which registration books may be kept by the Town or its transfer agent, upon surrender thereof with a written instrument of transfer, duly executed by the registered owner or his duly authorized attorney in writing;

12. That in lieu of physical certificates of any of the Bonds, the Treasurer is authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds in book-entry form pursuant to the Depository Trust Company Book Entry-Only System, as an alternative to the provisions of the preceding paragraph above regarding physical transfer, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify the Bonds for and participate in the Depository Trust Company Book Entry-Only System;

13. That the Treasurer, the Council Chairperson, and Clerk are authorized from time to time to execute such bonds and notes and to take such other actions as may be necessary to provide for exchanges or transfers of Bonds authorized hereunder.

14. That any or all of the Bonds may be consolidated with and become a part of any other issue of bonds or notes authorized to be issued by the Town;

15. That the Treasurer is authorized to covenant and certify on behalf of the Town that no part of the proceeds of the Bonds shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause the Bonds to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended (the "Code");

16. That the Treasurer is authorized to covenant and agree on behalf of the Town that the Town will file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, that the Town will take all other lawful actions necessary to ensure that the interest on the Bonds will remain excluded from the gross income for purposes of federal income taxation, and that the Town will refrain from taking any action which would cause interest on the Bonds to become includable in the gross income of the owners thereof;

17. That the Treasurer is authorized to take all such actions as may be necessary to designate any of the Bonds as qualified tax exempt obligations within the meaning of Section 265(b)(3) of the Code;

18. That the Treasurer is authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of the Bonds, that the Town will file any required reports, make any annual financial or material events disclosure, and take any other action that may be necessary, to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, to the extent applicable, are met;

19. That the Treasurer is authorized, directed and designated to establish, implement and follow written procedures with respect to the Bonds for the purpose of ensuring timely "remedial action" for any portion of the Bonds that may become "non-qualified bonds," as those terms are defined in the Code and regulations thereunder; and monitoring the Town's compliance following the issuance of the Bonds with the arbitrage, yield restriction and rebate requirements of the Code and regulations thereunder;

20. That in connection with the offering, sale, issuance and delivery of the Bonds and the redemption and refunding of the 2006 Bonds, the Treasurer is authorized to execute and deliver such other notices, contracts, agreements, tax compliance certificates, arbitrage and use of proceeds certificates, and other documents and certificates not inconsistent herewith as the Treasurer may approve, said approval to be conclusively evidenced by the execution and delivery thereof;

21. That in connection with the offering, sale, issuance and delivery of the Bonds and the redemption and refunding of the 2006 Bonds, the Treasurer, Council Chairperson, Clerk, and other officials of the Town, acting singly, are authorized to do or cause to do all such other acts and things, not inconsistent herewith, as may be necessary or desirable, and any such prior action by them is hereby ratified and confirmed;

22. That if any of the officers or officials of the Town who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the Town, the Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed Bonds had not ceased to be such officer or official; and also any of the Bonds may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of the Bonds, shall be the proper officers and officials of the Town, although at the nominal date of Bonds any such person shall not have been such officer or official;

23. That if the Treasurer, Town Council Chairperson, or Clerk are for any reason unavailable to, as applicable, approve, execute, attest or deliver the Bonds, or any other documents necessary or convenient to the offering, sale, issuance, execution, or delivery of the Bonds or the refunding of the 2006 Bonds, the person or persons acting in any such capacity, whether as assistant, deputy, or otherwise, is authorized to act for such unavailable official with the same force and effect as if such official had performed such act; and

24. That an attested copy of this Resolution be included with the minutes of this meeting.

A true copy, attest:

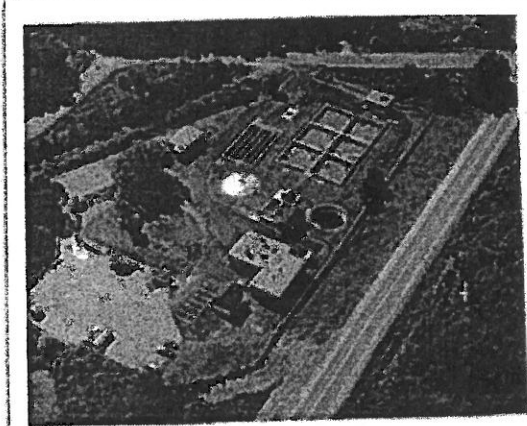
Maryann Place, Town Clerk

SEWER ENTERPRISE FUND

MISSION STATEMENT

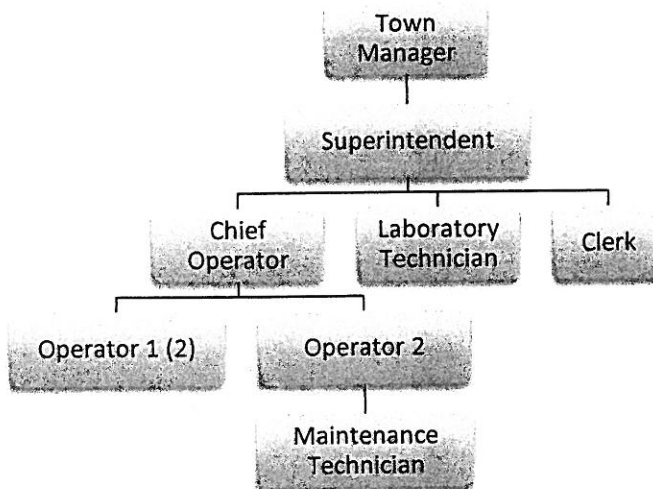
The Kittery Sewer Department was created as an enterprise fund in 1969. An enterprise fund is separate from the Town's General Fund in that its expenses are not borne by the taxpayers; rather, a proportional fee is charged to those who are connected to a sewer line. The fund is designed to be self-supporting, with the sewer rate directly tied to departmental expenses.

Kittery is proactive in keeping the 23 miles of sewer lines, 400 manhole structures, 21 pump stations and the treatment facility, maintained and compliant to Maine DEP requirements.



The Town of Kittery's Wastewater service provides sanitary sewer service for over 2000 residents. It is our goal to reach out to as many residents as geologically possible, to eliminate ground water contamination and to provide treatment and disinfection so that clean water may return to our waterways.

DEPARTMENT ORGANIZATION



PERSONNEL SUMMARY

POSITION	FY 17 PROPOSED
TOWN MANAGER	.25
SUPERINTENDENT	1
CHIEF OPERATOR	1
OPERATOR 1	2
OPERATOR 2	1
LABORATORY TECHNICIAN	1

UTILITY BOOKKEEPER	1
MAINTENANCE TECHNICIAN	1
TOTAL, FTE	8.25

BUDGET CHANGES FROM FY 2016

Total revenues and expenses estimated for the 2017 Sewer budget is \$2,399,021.

Revenues: General User revenues increase is \$49,500 due to new customers. Portsmouth Navy Yard Revenues will increase of \$148,677 due to trending quarterly earnings for the last four quarters and contributions to debt service, shared cost for renovations at Pump station #6 and at the Main Treatment Plant. Contingency contributions for the Expansion Project are \$100,000. This amount can be used towards the first installments for the new bond payments. Eliot's Revenue increase of \$47,003 trending last four quarters and their shared cost contributions for the Plant upgrade shared costs.

The revised Expansion Project Betterment Revenues total \$79,000 representing 1/18th of the total revenues to be collected over the eighteen year assessment repayment period.

Contributions from Reserve Accounts in the amount of \$144,147 will be used to offset revenue shortfalls.

Expenses increased to \$580,401, due in large part to the increase in Debt Services of \$585,432.

GOALS & OBJECTIVES FY 2017

1. To have all 158 customers tied in to the new sewer expansion;
2. To have the betterment assessment resolved for the expansion project;
3. To continue to find ways to conserve electricity here at the facility and the 24 pump stations;

ACCT	DESCR	FY14	FY15	FY16	FY17	Variance \$\$	Variance %
602760	GENERAL OPERATING FUNDS						
64011	Manager Salary	25,000.00	27,825.12	28,817.15	29,075.40	258.25	0.90%
64012	Superintendent Salary	76,414.07	78,969.40	82,528.69	83,198.44	669.75	0.81%
64013	Clerk Salary	46,020.82	47,453.40	45,071.20	45,676.80	605.60	1.34%
64050	Maine State Retirement (Clerk, Supt)	7,967.34	9,860.98	11,356.39	11,469.90	113.51	1.00%
64051	Retirement (Manager)	1,665.67	1,606.51	1,666.03	1,681.52	15.49	0.93%
64060	FICA Employer Share (Mgr., Supt., Clerk)	11,278.77	11,799.97	11,965.90	12,083.22	117.32	0.98%
64070	Workers Compensation (for all employees)	9,379.00	10,500.00	10,500.00	13,028.00	2,528.00	24.08%
64090	Major Medical (for all employees)	129,140.09	131,839.26	155,649.74	148,016.77	(7,632.97)	(4.90%)
64091	Dental Insurance (Supt)	380.26	301.06	1,217.11	1,122.05	(95.06)	(7.81%)
64092	Disability Insurance (Supt., Clerk, Operator)	3,554.88	3,554.88	3,554.88	3,999.24	444.36	12.50%
65101	MMA Risk Pool (Buildings, Vehicles, Liability)	24,000.00	29,000.00	29,000.00	29,000.00	0.00	0.00%
65350	Town Office Rent	22,900.00	22,900.00	22,900.00	22,900.00	0.00	0.00%
65430	Audit Services	3,900.00	3,900.00	3,400.00	3,400.00	0.00	0.00%
68060	Debt Service	268,551.00	267,686.95	262,538.25	847,970.11	585,431.86	222.99%
68400	Depreciation at Treatment Plant	0.00	0.00	0.00	0.00	0.00	0.00%
602760	SubTotal GENERAL OPERATING	630,151.90	647,197.53	670,165.35	1,252,621.45	582,456.10	86.91%
602702	SEWER LINES						
64010	Labor (Wages & FICA)	13,994.01	14,330.10	15,079.39	14,774.94	(304.45)	(2.02%)
65480	Contracted Services	21,500.00	21,500.00	22,050.00	22,050.00	0.00	0.00%
66300	Supplies	4,000.00	4,000.00	4,050.00	4,500.00	450.00	11.11%
602702	SubTotal SEWER LINES	39,494.01	39,830.10	41,179.39	41,324.94	145.55	0.35%
602710-30	PUMP STATIONS						
602710--Pump Station #1							
64010	Labor (Wages & FICA)	2,004.45	2,052.59	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	8.75	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	3,750.00	3,750.00	4,000.00	4,000.00	0.00	0.00%
65480	Contracted Services	1,000.00	1,000.00	1,000.00	1,000.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	50.00	50.00	50.00	50.00	0.00	0.00%
66320	Parts	400.00	450.00	450.00	450.00	0.00	0.00%
	SubTotal #1	7,453.20	7,562.59	8,081.08	8,034.22	(46.86)	(0.58%)
602711--Pump Station #2							
64010	Labor (Wages & FICA)	3,823.30	3,915.12	4,642.17	4,548.44	(93.73)	(2.02%)
65015	Cell Phone	16.69	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	3,800.00	3,800.00	3,800.00	3,800.00	0.00	0.00%
65480	Contracted Services	900.00	900.00	900.00	900.00	0.00	0.00%
65930	Alarms	200.00	220.00	220.00	220.00	0.00	0.00%
66300	Supplies	50.00	100.00	100.00	100.00	0.00	0.00%
66320	Parts	450.00	500.00	500.00	500.00	0.00	0.00%
	SubTotal #2	9,239.99	9,435.12	10,162.17	10,068.44	(93.73)	(0.92%)
602712--Pump Station #3							
64010	Labor (Wages & FICA)	2,561.24	2,622.75	3,094.78	3,032.29	(62.48)	(2.02%)
65015	Cell Phone	11.18	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	1,800.00	1,800.00	1,980.00	1,980.00	0.00	0.00%
65480	Contracted Services	6,951.00	6,951.00	6,951.00	6,951.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	600.00	650.00	650.00	650.00	0.00	0.00%
	SubTotal #3	12,188.42	12,308.75	12,960.78	12,898.29	(62.48)	(0.48%)

ACCT	DESCR	FY14	FY15	FY16	FY17	Variance \$\$	Variance %%
602713--Pump Station #4							
64010	Labor (Wages & FICA)	3,192.27	3,268.94	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	13.93	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	1,000.00	1,000.00	1,104.00	1,104.00	0.00	0.00%
65480	Contracted Services	1,200.00	1,200.00	1,200.00	1,200.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	600.00	650.00	650.00	650.00	0.00	0.00%
	SubTotal #4	6,271.20	6,403.94	5,560.08	5,513.22	(46.86)	(0.84%)
602714--Pump Station #5							
64010	Labor (Wages & FICA)	2,895.31	2,964.85	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	12.64	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	1,400.00	1,400.00	1,400.00	1,400.00	0.00	0.00%
65480	Contracted Services	700.00	700.00	700.00	700.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	50.00	50.00	50.00	50.00	0.00	0.00%
66320	Parts	400.00	450.00	450.00	450.00	0.00	0.00%
	SubTotal #5	5,697.95	5,824.85	5,181.08	5,134.22	(46.86)	(0.90%)
602715--Pump Station #6							
64010	Labor (Wages & FICA)	11,135.82	11,403.26	6,189.55	6,064.59	(124.97)	(2.02%)
65015	Cell Phone	48.60	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	16,000.00	16,000.00	16,000.00	16,000.00	0.00	0.00%
65220	Water	1,000.00	1,000.00	1,000.00	1,000.00	0.00	0.00%
65315	Generator Fuel	800.00	800.00	800.00	800.00	0.00	0.00%
65480	Contracted Services	4,500.00	4,500.00	4,584.00	4,584.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	1,000.00	1,000.00	1,000.00	1,000.00	0.00	0.00%
66320	Parts	3,000.00	3,050.00	3,050.00	3,050.00	0.00	0.00%
	SubTotal #6	37,724.42	38,013.26	32,883.55	32,758.59	(124.97)	(0.38%)
602716--Pump Station #7							
64010	Labor (Wages & FICA)	11,135.82	11,403.26	4,642.17	4,548.44	(93.73)	(2.02%)
65015	Cell Phone	48.60	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	4,800.00	4,800.00	4,860.00	4,860.00	0.00	0.00%
65220	Water	200.00	200.00	200.00	200.00	0.00	0.00%
65315	Generator Fuel	425.00	425.00	425.00	425.00	0.00	0.00%
65480	Contracted Services	4,600.00	4,600.00	4,600.00	4,784.00	184.00	4.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	50.00	50.00	50.00	50.00	0.00	0.00%
66320	Parts	1,500.00	1,550.00	1,550.00	1,550.00	0.00	0.00%
	SubTotal #7	22,999.42	23,288.26	16,587.17	16,677.44	90.27	0.54%
602717--Pump Station #8							
64010	Labor (Wages & FICA)	5,493.67	5,625.61	6,189.55	6,064.59	(124.97)	(2.02%)
65015	Cell Phone	23.98	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	10,000.00	10,000.00	10,000.00	10,000.00	0.00	0.00%
65220	Water	1,200.00	1,200.00	1,200.00	1,200.00	0.00	0.00%
65315	Generator Fuel	250.00	250.00	250.00	250.00	0.00	0.00%
65480	Contracted Services	8,325.00	8,750.00	8,850.00	8,850.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	500.00	500.00	500.00	500.00	0.00	0.00%
66320	Parts	2,000.00	2,050.00	2,050.00	2,050.00	0.00	0.00%
	SubTotal #8	28,032.65	28,635.61	29,299.55	29,174.59	(124.97)	(0.43%)

ACCT	DESCR	FY14	FY15	FY16	FY17	Variance \$\$	Variance %
602718--Pump Station #9							
64010	Labor (Wages & FICA)	4,194.49	4,295.23	6,189.55	6,064.59	(124.97)	(2.02%)
65015	Cell Phone	18.31	0.00	0.00	0.00	0.00	0.00%
65020	Telephone	400.00	400.00	400.00	400.00	0.00	0.00%
65200	Electricity	10,000.00	10,000.00	10,000.00	10,000.00	0.00	0.00%
65220	Water	225.00	225.00	225.00	225.00	0.00	0.00%
65315	Generator Fuel	500.00	500.00	500.00	500.00	0.00	0.00%
65480	Contracted Services	5,500.00	5,500.00	5,560.00	6,060.00	500.00	8.99%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	100.00	100.00	100.00	100.00	0.00	0.00%
66320	Parts	800.00	850.00	850.00	850.00	0.00	0.00%
	SubTotal #9	21,977.80	22,130.23	24,084.55	24,459.59	375.03	1.56%
602719--Pump Station #10							
64010	Labor (Wages & FICA)	2,672.60	2,736.78	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	11.66	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	500.00	500.00	500.00	500.00	0.00	0.00%
65480	Contracted Services	900.00	900.00	900.00	900.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	200.00	250.00	250.00	250.00	0.00	0.00%
	SubTotal #10	4,549.26	4,671.78	4,256.08	4,209.22	(46.86)	(1.10%)
602720--Pump Station #11							
64010	Labor (Wages & FICA)	2,672.60	2,736.78	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	11.66	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	1,000.00	1,000.00	1,000.00	1,000.00	0.00	0.00%
65480	Contracted Services	1,000.00	1,000.00	1,000.00	1,000.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	500.00	550.00	550.00	550.00	0.00	0.00%
	SubTotal #11	5,449.26	5,571.78	5,156.08	5,109.22	(46.86)	(0.91%)
602721--Pump Station #12							
64010	Labor (Wages & FICA)	1,596.13	1,634.47	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	6.97	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	700.00	700.00	700.00	700.00	0.00	0.00%
65480	Contracted Services	700.00	700.00	700.00	700.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	350.00	400.00	400.00	400.00	0.00	0.00%
	SubTotal #12	3,618.10	3,719.47	4,406.08	4,359.22	(46.86)	(1.06%)
602722--Pump Station #13							
64010	Labor (Wages & FICA)	4,083.13	4,181.20	4,642.17	4,548.44	(93.73)	(2.02%)
65015	Cell Phone	17.82	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	4,500.00	4,500.00	4,700.00	4,700.00	0.00	0.00%
65480	Contracted Services	2,000.00	2,000.00	2,000.00	2,000.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	50.00	50.00	50.00	50.00	0.00	0.00%
66320	Parts	700.00	750.00	750.00	750.00	0.00	0.00%
	SubTotal #13	11,590.95	11,741.20	12,402.17	12,308.44	(93.73)	(0.76%)
602723--Pump Station #14							
64010	Labor (Wages & FICA)	1,893.09	1,938.55	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	8.26	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	750.00	750.00	750.00	750.00	0.00	0.00%
65480	Contracted Services	650.00	650.00	650.00	650.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	425.00	475.00	475.00	475.00	0.00	0.00%
	SubTotal #14	3,991.35	4,098.55	4,481.08	4,434.22	(46.86)	(1.05%)

ACCT	DESCR	FY14	FY15	FY16	FY17	Variance \$\$	Variance %%
602724--Pump Station #15							
64010	Labor (Wages & FICA)	1,818.85	1,862.53	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	7.94	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	650.00	650.00	828.00	828.00	0.00	0.00%
65480	Contracted Services	1,000.00	1,000.00	1,000.00	1,000.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	400.00	450.00	450.00	450.00	0.00	0.00%
	SubTotal #15	4,141.79	4,247.53	4,884.08	4,837.22	(46.86)	(0.96%)
602725--Pump Station #16							
64010	Labor (Wages & FICA)	2,375.64	2,432.70	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	10.37	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	700.00	700.00	700.00	700.00	0.00	0.00%
65480	Contracted Services	700.00	700.00	700.00	700.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	425.00	475.00	475.00	475.00	0.00	0.00%
	SubTotal #16	4,476.01	4,592.70	4,481.08	4,434.22	(46.86)	(1.05%)
602726--Pump Station #17							
64010	Labor (Wages & FICA)	2,152.93	2,204.63	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	9.40	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	800.00	800.00	800.00	800.00	0.00	0.00%
65480	Contracted Services	700.00	700.00	700.00	700.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	475.00	525.00	525.00	525.00	0.00	0.00%
	SubTotal #17	4,402.33	4,514.63	4,631.08	4,584.22	(46.86)	(1.01%)
602727--Pump Station #18							
64010	Labor (Wages & FICA)	1,670.37	1,710.49	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	7.29	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	800.00	800.00	1,368.00	1,368.00	0.00	0.00%
65480	Contracted Services	650.00	650.00	1,368.00	1,368.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	600.00	650.00	650.00	650.00	0.00	0.00%
	SubTotal #18	3,992.66	4,095.49	5,992.08	5,945.22	(46.86)	(0.78%)
602728--Pump Station #19							
64010	Labor (Wages & FICA)	1,596.13	1,634.47	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	6.97	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	275.00	275.00	415.00	415.00	0.00	0.00%
65480	Contracted Services	900.00	900.00	900.00	900.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	400.00	450.00	450.00	450.00	0.00	0.00%
	SubTotal #19	3,443.10	3,544.47	4,371.08	4,324.22	(46.86)	(1.07%)
602729--Pump Station #20							
64010	Labor (Wages & FICA)	1,336.30	1,368.39	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	5.83	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	110.00	110.00	110.00	110.00	0.00	0.00%
65480	Contracted Services	600.00	600.00	600.00	600.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	200.00	250.00	250.00	250.00	0.00	0.00%
	SubTotal #20	2,517.13	2,613.39	3,566.08	3,519.22	(46.86)	(1.31%)

ACCT	DESCR	FY14	FY15	FY16	FY17	Variance \$\$	Variance %%
602730--Pump Station #21							
64010	Labor (Wages & FICA)	2,932.43	3,002.86	3,094.78	3,032.29	(62.48)	(2.02%)
65015	Cell Phone	12.80	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	1,600.00	1,600.00	2,034.00	2,034.00	0.00	0.00%
65480	Contracted Services	550.00	550.00	550.00	550.00	0.00	0.00%
65930	Alarms	240.00	260.00	260.00	260.00	0.00	0.00%
66300	Supplies	25.00	25.00	25.00	25.00	0.00	0.00%
66320	Parts	400.00	450.00	450.00	450.00	0.00	0.00%
	SubTotal #21	5,760.23	5,887.86	6,413.78	6,351.29	(62.48)	(0.97%)
602731--Pump Station #22							
64010	Labor (Wages & FICA)	0.00	0.00	4,642.17	4,548.44	(93.73)	(2.02%)
65015	Cell Phone	0.00	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	0.00	0.00	1,600.00	1,600.00	0.00	0.00%
65480	Contracted Services	0.00	0.00	550.00	550.00	0.00	0.00%
65930	Alarms	0.00	0.00	260.00	260.00	0.00	0.00%
66300	Supplies	0.00	0.00	25.00	25.00	0.00	0.00%
66320	Parts	0.00	0.00	450.00	450.00	0.00	0.00%
	SubTotal #22	0.00	0.00	7,527.17	7,433.44	(93.73)	(0.02)
602732--Pump Station #23							
64010	Labor (Wages & FICA)	0.00	0.00	2,321.08	2,274.22	(46.86)	(2.02%)
65015	Cell Phone	0.00	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	0.00	0.00	1,600.00	1,600.00	0.00	0.00%
65480	Contracted Services	0.00	0.00	550.00	550.00	0.00	0.00%
65930	Alarms	0.00	0.00	260.00	260.00	0.00	0.00%
66300	Supplies	0.00	0.00	25.00	25.00	0.00	0.00%
66320	Parts	0.00	0.00	450.00	450.00	0.00	0.00%
	SubTotal #23	0.00	0.00	5,206.08	5,159.22	(46.86)	(0.02)
602733--Pump Station #24							
64010	Labor (Wages & FICA)	0.00	0.00	3,094.78	3,032.29	(62.48)	(2.02%)
65015	Cell Phone	0.00	0.00	0.00	0.00	0.00	0.00%
65200	Electricity	0.00	0.00	1,600.00	1,600.00	0.00	0.00%
65480	Contracted Services	0.00	0.00	550.00	550.00	0.00	0.00%
65930	Alarms	0.00	0.00	260.00	260.00	0.00	0.00%
66300	Supplies	0.00	0.00	25.00	25.00	0.00	0.00%
66320	Parts	0.00	0.00	450.00	450.00	0.00	0.00%
	SubTotal #24	0.00	0.00	5,979.78	5,917.29	(62.48)	(0.02)
602710-30	SubTotal PUMP STATIONS	209,517.22	212,901.46	228,553.82	227,644.50	(909.33)	(0.40%)

ACCT	DESCR	FY14	FY15	FY16	FY17	Variance \$\$	Variance %%
602750	TREATMENT PLANT						
64010	Labor Plant Operation	191,372.65	195,968.75	173,334.66	141,944.67	(31,389.99)	(18.11%)
64019	Labor Plant Maintenance	72,411.27	74,150.34	78,027.52	76,452.14	(1,575.37)	(2.02%)
64030	OT Plant Operation	0.00	0.00	32,880.92	60,107.42	27,226.50	82.80%
64050	Maine State Retirement	22,407.32	27,541.55	33,068.80	32,279.89	(788.91)	(2.39%)
64060	FICA Employer Share	20,179.47	20,664.11	21,744.60	21,305.57	(439.02)	(2.02%)
65015	Cell Phone	1,300.37	2,076.00	2,076.00	2,076.00	0.00	0.00%
65020	Telephone	1,200.00	1,200.00	1,200.00	1,200.00	0.00	0.00%
65040	Educational, Training& Meeting Exp	5,200.00	5,200.00	5,200.00	5,200.00	0.00	0.00%
65200	Electricity	85,000.00	85,000.00	85,000.00	85,000.00	0.00	0.00%
65220	Water	4,000.00	4,050.00	4,171.50	4,171.50	0.00	0.00%
65230	Wood Pellets	18,095.00	14,805.00	14,805.00	15,792.00	987.00	6.67%
65310	Vehicle Maintenance	53,180.00	53,185.00	48,743.20	48,743.20	0.00	0.00%
65410	Computer Services	6,980.00	7,998.20	7,998.20	7,998.20	0.00	0.00%
65480	Contracted Services	48,600.00	48,600.00	49,100.00	49,600.00	500.00	1.02%
65500	Maintenance of Blds. & Gnds.	2,000.00	2,000.00	2,000.00	2,000.00	0.00	0.00%
65700	Misc. Expenses	2,000.00	2,000.00	2,000.00	2,000.00	0.00	0.00%
65930	Alarms	5,460.00	5,460.00	5,500.00	5,500.00	0.00	0.00%
65954	Sludge Expenses	106,750.00	116,390.00	120,171.00	120,644.90	473.90	0.39%
66010	Office Supplies, Dues, Fees	22,995.00	24,195.00	24,635.00	24,670.00	35.00	0.14%
66300	Plant Supplies	2,900.00	2,900.00	2,900.00	2,900.00	0.00	0.00%
66340	Lab Chemicals, Supplies, Equip.	11,445.07	11,445.07	11,945.07	11,945.07	0.00	0.00%
66400	Repairs to Structures	2,000.00	2,000.00	2,250.00	2,250.00	0.00	0.00%
66410	Repairs to Equipment	20,000.00	20,000.00	20,000.00	20,000.00	0.00	0.00%
66420	Tool and Equipment Replacement	20,000.00	20,000.00	20,500.00	20,500.00	0.00	0.00%
66450	Chemicals	91,351.03	99,152.70	97,424.50	100,699.50	3,275.00	3.36%
66520	Safety Equipment	9,338.00	11,016.92	12,045.00	12,450.00	405.00	3.36%
602750	SubTotal TREATMENT PLANT	826,165.18	856,998.64	878,720.96	877,430.07	(1,290.89)	(0.15%)
	EXPENSE SUBTOTAL	1,705,328.31	1,756,927.73	1,818,619.53	2,399,020.96	580,401.43	31.91%
	DEDICATED RESERVE ALLOCATION	118,340.12	73,765.98	12,074.18	(144,147.57)	(156,221.75)	(1293.85%)
	GRAND TOTAL - EXPENSE	1,823,668.43	1,830,693.71	1,830,693.71	2,254,873.39	424,179.68	23.17%
	REVENUE	FY14 Est.	FY15 Est.	FY16 Est.	FY17 Est.		
45005	General Users	1,098,947.84	1,112,754.74	1,112,754.74	1,162,254.74	49,500.00	4.45%
45001	PNS	464,599.84	432,018.45	432,018.45	580,695.00	148,676.55	34.41%
45002	PNS Housing	92,438.15	93,590.20	93,590.20	93,590.20	0.00	0.00%
45003	Septic Haulers	32,113.75	37,370.75	37,370.75	37,370.75	0.00	0.00%
45003	Contingency contribution	4,210.75	0.00	0.00	100,000.00	100,000.00	0.00%
45004	Eliot	111,527.70	130,134.87	130,134.87	177,138.00	47,003.13	36.12%
45005	BOC Gases	16,922.25	17,419.30	17,419.30	17,419.30	0.00	0.00%
45005	Dan Arbo	908.15	375.40	375.40	375.40	0.00	0.00%
45005	New Customer Connections	2,000.00	7,030.00	7,030.00	7,030.00	0.00	0.00%
	Sub-total	1,823,668.43	1,830,693.71	1,830,693.71	2,175,873.39	345,179.68	18.86%
45006	Expansion Betterment Revenues	0.00	0.00	0.00	79,000.00	79,000.00	0.00%
	SUBTOTAL - GENERAL REVENUE	1,823,668.43	1,830,693.71	1,830,693.71	2,254,873.39	424,179.68	23.17%
	DEDICATED RESERVE ALLOCATION	(118,340.12)	(73,765.98)	(12,074.18)	144,147.57	156,221.75	(1293.85%)
	CHECKSUM	1,705,328.31	1,756,927.73	1,818,619.53	2,399,020.96	580,401.43	31.91%



7/25 mtg.

TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

**APPLICATION FOR VICTUALERS, INNKEEPERS,
AND LODGING HOUSE OPERATORS LICENSE**

Applicant's name: Michelle Goodwin
(please print)

Address: 41 High St. 1st Fl. Derry, NH 03038
(please print)

Applicant's mailing address if different from above: _____

Applicant's Date of Birth: 2/2/68 Applicant's Home Telephone Number: 603-216-5227

Name of Business: #4 Just Chill'n Cool Treats And Beverages
(please print)

Business Address: Same As Above
(please print)

Business Telephone Number: C# (603) 275-9253

SIGNATURE OF APPLICANT: Michelle Goodwin DATE: 6/30/14

APPLICANT'S NAME: Michelle Goodwin
(please print)

LICENSE FEE: \$ 50

FIRST TIME APPLICATIONS: \$50.00
RENEWAL OF LICENSE: \$25.00

PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE



June 30, 2016

Town Clerk
200 Rogers Road
Kittery, ME 03904

Attn: Town Clerk

Re: Just Chillin – Cool Treats and Beverages

This is to notify you that the above vendor will be replacing New England Snowballs on the property and will be located at Center #4. There will be no other food vendor on the property except for Just Chillin on the following dates:

July 29
August 5, 19, 20, 26, 27
September 4
September 18

If you have any questions, please feel free to contact me

Sincerely,

Elizabeth Fourar-Laidi
Kittery Premium Outlets
375 US Route 1
Kittery, ME 03904
207-439-7993 ext 3

REPORT to the KITTERY TOWN COUNCIL – TITLE 16 ORDINANCE REVIEW

ENCLOSURE: Title 16 Ordinance Revision Enactment

AN ORDINANCE relating to the municipality's authority to establish land use ordinance in the Town of the Kittery, as more particularly set forth herein.

WHEREAS, the Kittery Town Council is authorized to enact this Ordinance, as specified in Sections 1.01 and 2.07(3) of the Town Charter; and 30-A MRS §3001, pursuant to its powers that authorize the town, under certain circumstances, to provide for the public health, safety, morals, and welfare and does not intend for this Ordinance to conflict with any existing state or federal laws; and

WHEREAS, the Council is enacting this Ordinance in order to correctly implement its obligations and authority pursuant to 38 MRS §435, Mandatory Shoreland Zoning, 38 MRS §438-A, Municipal authority, and 30-A MRS §4353.4-C, Variance from dimensional standards, et seq; and

WHEREAS, the Council intends, through the adoption of this Ordinance amendment, to clarify language implementing various goals in Section G (Land Use Patterns) of the Kittery Comprehensive Plan.

NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN CHARTER §2.14, **THE TOWN OF KITTERY HEREBY ORDAINS REVISION TO TITLE 16, LAND USE AND DEVELOPMENT, OF THE TOWN CODE, AS FOLLOWS:**

§2.2 DEFINITIONS; CHAPTER 3 ARTICLE II §3.2.15, MIXED USE – KITTERY FORESIDE MU-KF; CHAPTER 3 ARTICLE II §3.2.17, SHORELAND OVERLAY ZONE; CHAPTER 8 ARTICLE IV TABLE1; CHAPTER 8 ARTICLE VIII §8.8.2, POST-CONSTRUCTION STORMWATER MANAGEMENT; and CHAPTER 10 ARTICLE III DEVELOPMENT PLAN REVIEW AND APPROVAL PROCESS.

Approved as to form: _____ {NAME}, Town Attorney

INTRODUCED and read in a public session of the Town Council on the ____ day of _____, 20____, by: _____ {NAME} Motion to approve by Councilor _____ {NAME}, as seconded by Councilor _____ {NAME} and passed by a vote of _____.

THIS ORDINANCE IS DULY AND PROPERLY ORDAINED by the Town Council of Kittery, Maine on the ____ day of _____, 20____, {NAME}, _____, Chairperson

Attest: {NAME}, _____ Town Clerk



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: July 11, 2016
From: Ann Grinnell, Planning Board Chair & Chris Di Matteo, Town Planner
Subject: Town Code amendments to Title 16, Land Use & Development Code
Councilor Sponsor: Gary Beers, Chair

EXECUTIVE SUMMARY

The following sections of Title 16 require code amendments in order to provide greater clarity, remove outdated references and inconsistencies, and update provisions to allow for more conformance with the Town's Comprehensive Plan. The final amendments have been revised following comments from Town Council during a joint workshop on May 16, 2016 and have received required planning board review and public hearing notice per Maine Revised Statue 30-A § 4352 Zoning Ordinance.

ITEM 1 – 16.10.3 – Development Plan Review and Approval Process; 16.10.3.2 Other Development Review; 16.10.3.4 Shoreland Development Review; 16.10.10 Shoreland Development Review; 16.10.10.1.1 Permits Required; 16.10.10.1.2 Permit Application; 16.10.10.2 Procedure for Administering Permits

- This group of amendments was developed to respond to the many review applications the Planning Board receives that do not include development within the 100 or 75-foot setback in the Shoreland Overlay Zone.
- The amendments allows for the Code Enforcement Officer to review and approve development in the Shoreland Overlay Zone that is not within the required setback, no longer requiring planning board review.
- The final draft takes into consideration comments from Town Council's review at the joint workshops held on February 1, and May 16, 2016, a public hearing held February 25, 2016 and a review from MDEP. The Planning Board voted to recommend the amendments to Town Council following the February 25 public hearing.

Initial Review	Public Notice	Public Notice	Public Hearing	Vote to Recommend to Town Council
1/14/2016	2/12/2016	2/18/2016	2/25/2016	2/25/2016

ITEM 2 - 16.3.2.17.D – Shoreland Overlay Zone Standards; and 16.2.2 - Definitions

- The proposed amendment remove redundancies and improves consistency with regard to language and intention specifically addressing the provision to require no more than 20% devegetated area on the lot within the Shoreland Overlay Zone.
- The final draft reflects revisions from an several reviews with the Planning Board, MDEP and Town Council during a joint workshop held on May 16, 2016. A public hearing was held on

June 28, 2016. The Planning Board voted unanimously to recommend the amendment to Town Council following the public hearing.

Initial Review	Public Notice	Public Notice	Public Hearing	Vote to Recommend to Town Council
3/24/2016	6/9/2016	6/15/2016	6/23/2016	6/23/2016

ITEM 3 –16.2 Definitions; 16.8.8.2.3 Applicability; 16.10.7.2 Final Plan Application Submittal Content

- The proposed amendments provide clarity to requirements and applicability for a Post-Construction Stormwater Management Plan, required as part of the Town's Municipal Separate Storm Sewer System (MS4) permit.
- The final draft incorporates comments and suggestions provided by the Planning Board and Town Council during the joint workshops, held on February 1 and May 16, 2016.

Initial Review	Public Notice	Public Notice	Public Hearing	Vote to Recommend to Town Council
1/14/2016	2/12/2016	2/18/2016	2/25/2016	2/25/2016

ITEM 4 - Table 1 – chapter 16.8, Article IV – Design and Construction Standards for Streets and Pedestrian Ways

- The proposed amendment removes the cul-de-sac standards for *Secondary Collectors* listed in Table 1, items a, b, and c. In addition second access requirement for *Secondary Collectors* has been modified to not allow for “emergency access only” as a substitute.
- The amendment is consistent with 16.8.4.2.C that development requiring 201 or more trips per day ADT is “to have at least two street connections with existing public street(s)” and in keeping with the general understanding that “collectors” are not dead-end streets.
- The amendment was introduced for initial review on March 24, 2016 and was reviewed with Town Council during the joint workshop on May 16, 2016. The Planning Board voted to recommend for adoption following the June 23, 2016 public hearing.

Initial Review	Public Notice	Public Notice	Public Hearing	Vote to Recommend to Town Council
3/24/2016	6/9/2016	6/15/2016	6/23/2016	6/23/2016

ITEM 5 - 16.3.2.15.A - Mixed Use – Kittery Foreside Purpose; 16.3.2.15.D -Standards; 16.3.2.15.F – Design Review

- The proposed amendment removes language referencing the inactive Kittery Foreside and Foreside Design Review Committee from the Mixed Use – Kittery Foreside base zone. The design standards still remain and will be administered by the Planning Board, or the Code Enforcement Officer where applicable, as with other required standards. Or the reviewing authority can require a peer-review of the architectural design for more involved and complex proposals as provided under 16.10.3.7 Independent Peer Review.
- The Planning Board completed an initial review on April, 28, 2016. Final review of the amendment was held following a public hearing on May 26, 2016. The Planning Board voted to recommend the amendments to Town Council at that date.

Initial Review	Public Notice	Public Notice	Public Hearing	Vote to Recommend to Town Council
4/28/2016	5/13/2016	5/19/2016	5/26/2016	5/26/2016

STATEMENT OF NEED

The Town Council adoption of the subject amendments listed above is required for greater clarity, and updated references and definitions, and up-to-date provisions that allows for more consistency when applying the code, and provides for greater conformance to the Town's Comprehensive Plan

BACKGROUND

The proposed amendments have received substantial review by the Planning Board. Required public hearings have been properly noticed and held, and a joint workshop with the Council and the Board took place on May 16, 2016. The Planning Board review notes have not been included, however, can be provided if needed.

FACTS BEARING ON THE EQUATION

See Executive Summary

CURRENT SITUATION

The question to adopt proposed amendments to the Town Code, Title 16 comes before the Council.

PROPOSED SOLUTION/RECOMMENDATION

Schedule a public hearing on July 25, 2016

RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

There is no budgetary cost to the Town of Kittery with regard to these amendments

Chapter 16.2 Definitions

16.2.2 Definitions.

Development means:

- 1) a change in land use involving alteration of the land, water or vegetation, or
- 2) the addition or alteration of structures or other construction not naturally occurring.

Chapter 16.10 Development Plan Application and Review

Article III. Development Plan Review and Approval Process

16.10.3.1 General Development, Site, and Subdivision Plans Review.

All proposed development including site, subdivision, business use and other development must be reviewed for conformance with the procedures, standards and requirements of this Code by the Planning Board except as provided herein, but in all cases by the Town Planner and Code Enforcement Officer and where required the Board of Appeals as provided herein.

16.10.3.2 Other Development Review.

~~An applicant or applicant's authorized agent must obtain Planning Board approval in accordance with this Code for all development except the following, unless located within the Shoreland Overlay or Resource Protection Overlay Zones:~~ Unless subject to a Shoreland Development Plan Review per 16.10.3.4, the following do not require Planning Board approval:

- A. ~~Single and duplex family dwellings, except if within either a Shoreland or Resource Protection Overlay Zone, in addition to other criteria specified in Article X of Chapter 16.10, applicable to the granting of a special exception use request, the Planning Board must review and may approve a development plan for a one to two family residential structure, provided the applicant meets all of the applicable Design and Performance Standards.~~
- B. Expansion of existing use where the expanded use will require fewer than six additional parking spaces.
- C. Division of land into lots (i.e., two lots) which division is not otherwise subject to Planning Board review as a subdivision.
- D. Business use as provided in Section 16.4.3.5.

16.10.3.4 Shoreland Development Review.

A. All development in the Shoreland, Resource Protection, and Commercial Fisheries/Maritime Uses Overlay Zones involving the use, expansion, change or replacement of an existing use or structure, or renewal of a discontinued non-conforming use must be reviewed and approved as provided in 16.10.10 and elsewhere in this Code, and tracked as a shoreland development for reporting purposes.

B. All development in the Shoreland, Resource Protection, and Commercial Fisheries/Maritime Uses Overlay Zones must be approved by the Planning Board except for the following:

1. Proposed development of principal and accessory structures in compliance with 16.3.2.17.D.2. when not subject to Planning Board review as explicitly required elsewhere in this Title. Such proposed development must be reviewed and approved by the Code Enforcement Officer (CEO) prior to issuing a building permit. The total devegetated area of the lot (that portion within the Shoreland Overlay Zone) must be calculated by the applicant and verified by the CEO and recorded in the Town's property records. Any development proposed in the Resource Protection and Shoreland - Stream Protection Area Overlay Zones must be approved by the Planning Board.

2. Piers, docks, wharves, bridges and other structures and uses extending over or below the Highest Annual Tide (HAT) elevation, subject to review and approval by the Port Authority as outlined in Title 16.11 Marine related development.

3. Division of a conforming parcel that is not subject to subdivision as defined in 16.2.2.

4. Clearing of vegetation for activities other than timber harvesting. These are subject to review and approval by the Shoreland Resource Officer or Code Enforcement Officer.

Article X. Shoreland Development Review

16.10.10.1 General.

16.10.10.1.1 Permits Required.

A. After the effective date of this code, no person may, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the shoreland or resource protection overlay zones in which such activity or use would occur, or expand, change or replace an existing use or structure, or renew a discontinued nonconforming use.

B. When replacing an existing culvert, the watercourse must be protected so that the crossing does not block fish passage, and adequate erosion control measures must be taken to prevent sedimentation of the water in the watercourse.

C. A permit is not required for the replacement of an existing road culvert provided the replacement culvert is not:

1. More than one standard culvert size larger in diameter than the culvert being replaced,
2. More than twenty-five (25) percent longer than the culvert being replaced, and
3. Longer than seventy-five (75) feet.

D. A permit is not required for an archaeological excavation provided the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

E. Any permit required by this Section is in addition to any other permit required by other law or ordinance.

16.10.10.1.2 Permit Application.

A. Every applicant for a Shoreland Development Review permit must ~~complete and~~ submit a completed ~~Kittery~~ application form and a site plan drawn to scale as indicated in Section 16.10.5.2.B, to the Code Enforcement Officer ~~appropriate official as indicated in Section 16.10.5.2B~~. With consideration of the development's overall limited scale and impact to the site, the appropriate reviewing authority may waive or modify application submittals required in 16.10.5.2.B.

B. All applications must be signed by the owner, ~~owners or lessee of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person must submit a letter of authorization from the owner or lessee.~~ or an agent with written authorization from the owner, to apply for a permit hereunder, certifying that the information in the application is complete and correct.

C. All applications must be dated, and the Code Enforcement Officer, ~~Town Planner, Town Clerk or Kittery Port Authority, as appropriate~~ or designee, must note upon each application the date and time of its receipt ~~by each~~.

D. Whenever the nature of the proposed structure requires the installation of a subsurface sewage disposal system, a completed application for a subsurface wastewater disposal permit must be submitted. The application must include a site evaluation approved by the Plumbing Inspector.

16.10.10.2 Procedure for Administering Permits.

Within thirty five (35) days of the receipt of a written application, the Town Planner for Planning Board review or Code Enforcement Officer for all other review, and as indicated in Section 16.10.5.2B3.4, must notify the applicant in writing that the application is or is not complete. If the application is incomplete, the written notification must specify the additional material required to complete the application.

A. The Code Enforcement Officer is required to approve, approve with conditions or deny all permit applications in writing within thirty-five (35) days of receiving a completed application.

B. If the Planning Board has a waiting list of applications, a decision on the application will occur within thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if one is held.

C. Permits will be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this section.

The applicant is required to demonstrate, to the satisfaction of the reviewing authority, that the proposed land use activity is in conformance with the purposes and provisions of this Code.

D. An application will be approved or approved with conditions if the reviewing authority makes a positive finding based on the information presented. It must be demonstrated that the proposed use will:

1. maintain safe and healthful conditions;
2. not result in water pollution, erosion or sedimentation to surface waters;
3. adequately provide for the disposal of all wastewater;

- 146 4. not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- 147 5. conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- 148 6. protect archaeological and historic resources;
- 149 7. not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/
150 maritime activities district;
- 151 8. avoid problems associated with floodplain development and use
- 152 9. is in conformance with the provisions of this Code; and
- 153 10. recorded with the York County Registry of Deeds.

Chapter 16.3 Land Use Regulations**Article II. Zone Definitions, Uses, Standards****16.3.2.17 Shoreland Overlay Zone****16.3.2.17.D. Standards. (Effective 2/28/15)****1. Minimum lot standards****a. Minimum lot size by base zone, within the**

Residential–Village (R-V) zone	8,000 square feet
Residential–Urban (R-U) zone	20,000 square feet
Residential–Rural (R-RL), Residential–Suburban (R-S) and Residential–Kittery Point Village (R-KPV) zones	40,000 square feet
Commercial (C1), (C2), (C3), Industrial (IND), Business-Local (B-L) and Business-Local 1 (B-L1) zones	60,000 square feet
Residential-Rural Conservation (R-RLC) zone	80,000 square feet
Business-Park (B-PK) zone	120,000 square feet
Mixed-Use Badgers Island (MU-BI) zone	6,000 square feet
Mixed-Use Kittery Foreside (MU-KF) zone	10,000 square feet

b. Minimum land area per dwelling unit by base zone, within the

Residential–Village (R-V) zone	8,000 square feet
Business-Park (B-PK) zone	10,000 square feet
Residential–Urban (R-U), Business-Local (B-L) and Business-Local 1 (B-L1) zones	20,000 square feet
Mixed Use (M-U), Residential–Rural (R-RL), Residential–Suburban (R-S) and Residential–Kittery Point Village (R-KPV) zones	40,000 square feet.
Residential-Rural Conservation (R-RLC) zone	80,000 square feet.
Mixed-Use Badgers Island (MU-BI) zone	6,000 square feet
*3,000 square feet for the first two dwelling units	
Mixed-Use Kittery Foreside (MU-KF) zone	10,000 square feet

c. Minimum Shore frontage by base zone per lot and dwelling unit

Mixed Use-Badgers Island (MU-BI)	25 feet
Residential-Village (R-V), Residential Urban (R-U), and Mixed-Use Kittery Foreside (MU-KF) zones	50 feet
Mixed Use (M-U), Commercial (C1), (C2), (C3), Industrial (IND), Business-Park (B-PK), Business-Local (B-L) and Business-Local 1 (B-L1) zones (shore frontage per lot)	150 feet
(shore frontage per dwelling unit)	50 feet
Residential-Rural (R-RL), Residential-Suburban (R-S), and Residential-Kittery Point Village (R-KPV) zones (shore frontage per lot)	150 feet
(shore frontage per dwelling unit)	100 feet
Residential-Rural Conservation (R-RLC) zone (per lot and dwelling unit)	250 feet

The minimum shore frontage requirement for public and private recreational facilities is the same as that for residential development in the respective zone.

d. The total footprint of areas devegetated area for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area located within the Shoreland Overlay Zone, including existing development, except in the following zones:

- i. Mixed Use -Badgers Island (MU-BI) and Mixed Use Kittery Foreside (MU-KF) Zones, where the maximum lot coverage devegetated area is sixty (60) percent. The Board of Appeals may approve a miscellaneous appeal application to increase allowable lot coverage devegetated area in the Mixed Use -Badgers Island (MU-BI) zone to seventy (70) percent where it is clearly demonstrated that no practicable alternative exists to accommodate a water-dependent use.
- ii. Commercial (C1, C-2, C-3), Business – Local (B-L and B-L1), and Industrial (IND) Zones where the maximum lot coverage devegetated area is seventy (70) percent.
- iii. Residential – Urban (R-U) Zone where the lot is equal to or less than ten thousand (10,000) square feet, the maximum devegetated area is fifty (50) percent. Notwithstanding the above limits, vegetated surfaces must exceed fifty (50) percent of the lot area when the lot, being no greater in size than ten thousand (10,000) square feet, is situated in both the Residential – Urban Zone (R-U) and the Shoreland Overlay Zone.
- iv. In the Shoreland Overlay zone within the Mixed Use (M-U) zone, the maximum lot coverage is 20%.

2. Principal and Accessory Structures – Setbacks and Development.

a. All new principal and accessory structures (except certain patios and decks per Section 16.3.2.17.D.2.b.) must be set back as follows: at least one hundred (100) feet, horizontal distance, from the normal high water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland, with the following exceptions:

i. In the Mixed Use – Badgers Island and Kittery Foreside Zones, the setback requirement is seventy-five (75) feet, horizontal distance, from the normal high-water line of any water bodies, or the upland edge of a wetland unless modified according to the terms of Sections 16.3.2.14.D & E and 16.3.2.15.D.

ii. In the Resource Protection Overlay Zone the setback requirement is 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in the zone, in which case the setback requirements specified above apply.

iii. The water body, tributary stream, or wetland setbacks do not apply to structures that require direct access to the water body or wetland as an operational necessity, such as piers and retaining walls, nor does it apply to other functionally water-dependent uses, as defined in 16.2.

i. At least one hundred (100) feet, horizontal distance, from the normal high water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland, and seventy-five (75) feet, horizontal distance, from the normal high water line of any water bodies, or the upland edge of a wetland on the Mixed Use – Badgers Island and the Kittery Foreside Zones, unless modified according to the terms of Sections 16.3.2.14.D & E and 16.3.2.15.D & E., except

that in the Commercial Fisheries/Maritime Uses Overlay Zone there is no minimum setback requirement. In the Resource Protection Overlay Zone the setback requirement is 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in the zone, in which case the setback requirements specified above apply. ~~(Item moved to be included with 16.3.2.17.D.2.a,~~

~~16.3.2.17.D.2.a.i and 16.3.2.17.D.2.a.ii)~~

ii. ~~The water body, tributary stream, or wetland setback provision does not apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers and retaining walls, nor does it apply to other functionally water dependent uses. (Item moved to be included with 16.3.2.17.D.2.a.iii)~~

b. Accessory patios or decks no larger than five hundred (500) square feet in area must be set back at least seventy-five (75) feet from the normal high water line of any water bodies, tributary streams, the upland edge of a coastal wetland, or the upland edge of a freshwater wetland. Other patios and decks must satisfy the normal setback required for principal structures in the Shoreland Overlay Zone.

c. If there is a bluff, setback measurements for principal structures, water and wetland must be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and Code Enforcement Officer are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant is responsible for the employment a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, or a Maine State Geologist qualified to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.

d. Public access to the waterfront must be discouraged through the use of visually compatible fencing and/or landscape barriers where parking lots, driveways or pedestrian routes abut the protective buffer. The planting or retention of thorny shrubs, such as wild rose or raspberry plants, or dense shrubbery along the perimeter of the protective buffer is encouraged as a landscape barrier. If hedges are used as an element of a landscape barrier, they must form a solid continuous visual screen of at least three feet in height immediately upon planting.

e. On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure must not exceed eighty (80) square feet in area nor eight (8) feet in height, and must be located as far from the shoreline or tributary stream as practical and meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case will the structure be allowed to be situated closer to the shoreline or tributary stream than the existing principal structure.

f. The lowest floor elevation or openings of all buildings and structures, including basements, must be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils.

~~g. The total footprint of areas devegetated for structures, parking lots and other impervious surfaces, must not exceed twenty (20) percent of the lot area, including existing development, except in the following zones:~~

~~i. Badgers Island and Kittery Foreside Zones, where the maximum lot coverage is sixty (60) percent. The Board of Appeals may approve a miscellaneous appeal application to increase allowable lot coverage in the Badgers Island district to seventy (70) percent where it is clearly demonstrated that no practicable alternative exists to accommodate a water dependent use.~~

~~ii. Commercial (C-1, C-2, C3), Mixed Use (MU), Business – Local (B-L and B-L1), and Industrial (IND) Zones where the maximum lot coverage is seventy (70) percent. Notwithstanding the above limits, non-vegetated surfaces must not exceed fifty (50) percent of the lot area when the lot, being no greater in size than ten thousand (10,000) square feet, is situated in both the Residential – Urban Zone (R-U) and the Shoreland Overlay Zone. {See 16.3.2.17.D.1.d}~~

~~h.g.~~ Stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided the:

- i. structure is limited to a maximum of four feet in width;
- ii. structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S. §480-C); and
- iii. applicant demonstrates that no reasonable access alternative exists on the property.

~~ih.~~ If more than one dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel in the Shoreland Overlay zone, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

Chapter 16.2 Definitions

16.2.2 Definitions

Designated historic building means a building listed on or located within an historic district listed on the National Register of Historic Places or a list of historic buildings or local historic districts published by the Maine Historic Preservation Office, or contained in the Town's adopted comprehensive plan.

Devegetated Area means the total area of all existing and proposed structures, driveways, parking areas and other non-vegetated surfaces located in the Shoreland Overlay and Resource Protection Zones.

Developer means any person, firm, corporation, or other legal entity that makes application for any type of development within the Town.

Chapter 16.2 Definitions

16.2.2 Definitions.

Post-Construction Stormwater Management Plan means an Inspection and Maintenance Plan as required by rule for projects that require approval by the Maine Department of Environmental Protection (MDEP) under Chapter 500, Stormwater Management; or a plan to inspect and maintain Best Management Practices (BMPs) and Stormwater Management Facilities employed by a new development or redevelopment, not subject to MDEP Chapter 500 rules, to meet the stormwater standards of the municipality's subdivision, site plan, or other zoning, planning or other land use ordinances this Code.

Chapter 16.8 Design and Performance Standards – Build Environment

Article VIII Surface Drainage

16.8.8.2 Post-Construction Stormwater Management

16.8.8.2.3 Applicability.

A. In General.

This Section applies to all new development or ~~construction~~ redevelopment (any construction activity on premises already improved that does alters stormwater drainage patterns) activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb an area equal to or greater than one acre. ~~and; redevelopment or construction activity on premises already improved with buildings and structures or activities or uses, but does not include activities such as exterior remodeling.~~

Chapter 16.10 Development Plan Application and Review

Article VII Final Plan Review and Decision

16.10.7.2 Final Plan Application Submittal Content.

R. Stormwater management plan for stormwater and other surface water drainage prepared by a registered professional engineer including the location of stormwater and other surface water drainage area; a Post-Construction Maintenance Stormwater Management Plan and Agreement that defines maintenance responsibilities, responsible parties, shared costs, and schedule for maintenance; a draft Maintenance Agreement for Stormwater Management Facilities; and, where applicable, draft documents creating a homeowners association referencing the Maintenance responsibilities. Where applicable, a the Maintenance Agreement must be included in the Document of Covenants, Homeowners Documents and/or as riders to the individual deed and recorded with the York County Registry of Deeds.

Chapter 16.8 - Design and Performance Standards – Build Environment
Article IV Streets and Pedestrian Ways/Sidewalks Site Design Standards

Town Council
July 11, 2016

Table 1 - Chapter 16.8, Article IV

DESIGN AND CONSTRUCTION STANDARDS FOR STREETS AND PEDESTRIAN WAYS									
Page ONE	PUBLIC STREETS					PRIVATE STREETS			
	Arterial Highways	Secondary Highways	Commercial Light Industrial Mixed Use Developments	Primary Collectors	Secondary Collectors	Minor Streets	Class III	Class II	Class I
Design and Construction Standards	9,001 or more	3,001 to 9,000	ADT and Peak	801 to 3,000	201 to 800	35 to 200	72 to 800	35 to 71	12 to 35
Average Daily Trips (ADT)									
Street Width Design:									
a. Right-of-way	Streets in this classification will generally be affected by development rather than constructed, and may require drainage, soil, use, traffic safety, and impact studies beyond the scope of this title for required improvements and/or construction.	Commercial, light industrial and mixed use development(s) streets shall be constructed to no less than secondary collector standards and may be subject to higher standards depending upon the traffic generation and use(s) intended.	60'	22'	6'	2' walk side 8' opp. Side	Same standards as public streets (Primary collectors, secondary collectors, and minor streets) based on average daily trips count (ADT)	40'	40'
b. Travel Pavement									
c. Sidewalk/Pedestrian way									
d. Paved Shoulder									
e. Gravel Shoulder									
f. Enclosed Drainage									
g. Parking									
Street Gradients:									
a. Longitudinal (Min. to Max)				.05% to 6%	.05% to 7%	.05% to 8%	calculated from the latest edition of the ITE Codes.	.05% to 9%	1.0% to 10
b. Slide Slope (horiz. to vert.)				3 to 1	3 to 1	3 to 1		2 to 1	2 to 1
c. Road Crown				1/4" per ft	1/4" per ft	1/4" per ft		1/4" to 1/2" per ft	1/4" to 1/2" per ft
Cul-de-sac:									
a. Street Length to Radius				N/A	4,500' N/A	1,200'		600'	400'
b. Boundary Radius				N/A	65' N/A	60'		50'	50' or 40 X 40 turn tee
c. Paved Radius				N/A	50' N/A	50'		40'	gravel 40' or 18' X 18'
d. Second Access				Yes	Yes; can be emergency only	Not desirable		Not Allowed	Not Allowed

Chapter 16.3 Land Use Zone Regulations**Article II Zone Definitions, Uses, Standards****16.3.2.15 Mixed Use - Kittery Foreside MU-KF.****16.3.2.15.A. Purpose.**

To provide business, service, and community functions within the Mixed Use - Kittery Foreside zone and to provide a mix of housing opportunities in the historic urbanized center of the community and to allow for use patterns which recognize the densely built-up character of the zone and the limitations for providing off-street parking. ~~Design review is~~ standards are used to facilitate the revitalization of downtown Kittery Foreside as a neighborhood center, while promoting economic development of service businesses and walk-in shopping as well as respecting the zone's historic and residential character.

[NOTE: The existing sections 16.3.2.15.B and 16.3.2.15.C are not being amended]

D. Standards.

1. The design and performance standards of Chapters 16.8 and 16.9 must be met except where specifically altered in this subsection.

2. Dimensional Standards. The following space standards apply:

Minimum land area per dwelling unit	5,000 square feet
Minimum lot size	5,000 square feet
Minimum street frontage	0 feet
Minimum front yard along:	
Government Street east of Jones Avenue including	
Lot 107 at the corner of Government and Walker Streets	0 feet
other streets	10 feet
Wallingford Square	0 feet
(Ordained 9/24/12; effective 10/25/12)	
Minimum rear and side yards	10 feet
Minimum separation distance between principal	
buildings on the same lot	10 feet
Maximum building height	40 feet*
*Except that for buildings located on lots that abut tidal	
waters, the highest point on the primary structure of the	
building including the roof, but excluding chimneys, towers,	
cupolas, and similar appurtenances that have no floor area,	
may be not more than thirty-five (35) feet above the	
average grade between the highest and lowest elevations	
of the original ground level adjacent to the building.	
Minimum setback from:	
water body and wetland water dependent uses	0 feet
all other uses (including buildings and parking)	75 feet
	unless modified,
	according to the terms

of subsection (E) of this
Section.

Maximum building coverage	60 percent
Minimum open space on the site	40 percent
Minimum land area per unit for eldercare facilities that are connected to the public sewerage system:	
dwelling unit with two or more bedrooms	3,000 square feet
dwelling unit with less than two bedrooms	2,500 square feet
residential care unit	2,000 square feet
Minimum land area per bed for nursing care and convalescent care facilities that are connected to the public sewerage system	1,500 square feet

3. Maximum Building Footprint.

The maximum area of the building footprint of any new building is one thousand five hundred (1,500) square feet unless the building is replacing a larger building that existed on the lot as of April 1, 2005.

A. If the footprint of the pre-existing building was larger than one thousand five hundred (1,500) square feet, ~~the maximum size of the footprint of the pre-existing building was larger than one thousand five hundred (1,500) square feet,~~ the maximum size of the footprint of the new building may be no larger than the footprint of the pre-existing building.

B. If the footprint of the new building is larger than one thousand five hundred (1,500) square feet, the width of the new building as measured parallel to the front lot line may not be greater than the width of the pre-existing building.

4. Design Standards.

Any new building, or additions or modifications to an existing building that:

(1) cumulatively increases the building footprint or building volume by more than thirty percent (30%) after April 1, 2005, or

(2) is subject to shoreland overlay zoning as set forth in Section 16.7.3.5.1 must conform to the following standards.

NOTE: This requirement does not apply to the replacement of a building destroyed by accidental or natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not increase the pre-existing building volume by more than thirty percent (30%).

a. Placement and Orientation of Buildings Within a Lot.

i. The placement of buildings on the lot must acknowledge the uniqueness of the site, the neighboring buildings, and the natural setting. Existing views and vistas must be preserved in the design of the site and buildings, and buildings must be placed to frame, rather than block, vistas.

ii. Buildings and the front elevation must be oriented facing the street on which the building is located. The siting of buildings on corner lots must consider the placement of buildings on both streets.

b. Overall Massing of Buildings.

The overall massing objective is to simulate a concentrated use of space in the Foreside zone while avoiding the use of large, multi-unit buildings. In the interest of this objective, building footprints must meet not exceed the maximums set forth above within this subsection. Larger parcels may be developed but will require the use of multiple buildings with smaller footprints. The smaller scale of the buildings will allow new projects to fit in with the existing architectural styles of the Foreside zone.

c. Grouping of Smaller Buildings.

When smaller buildings that are part of one project are placed adjacent to one another on the same lot or adjacent lots, each building must have its own structure and elevation treatment that is different from its neighbor. Small decorative wings may be attached to larger structures if well integrated into the overall arrangement of shapes.

d. Building Details.

Buildings must include architectural details that reflect the historic style of the Foreside zone. Molding and trim must be used to decorate or finish the surface of buildings and doors. Eaves and overhangs should be incorporated into the design.

e. Roof Slopes and Shapes.

i. Allowable roof shapes include a simple gable, gambrel, saltbox, and hip. The minimum roof pitch must be 8:12 (rise over run) except in the case of a hip roof where a lesser pitch is acceptable.

ii. The roof pitch of elements that link buildings or portions of buildings must be the same or greater than the pitch of the roofs on the buildings that are being linked.

iii. Flat or nearly flat shed roofs are not allowed except for porches, dormers, or attachments distinct from the primary structure or where systems are concealed by standard roof forms.

iv. The roof pitch of additions or wings must be similar to the pitch of the primary roof. Clusters of buildings must apply the same roof plan principles to pitch and link roofs.

f. Fencing and Walls.

i. Fencing may be used to separate public and private spaces, mark property lines, and protect plantings.

ii. Fences must harmonize with nearby structures and not unduly interfere with existing scenic views or vistas.

iii. Picket and other medium height fences and low stone walls are permitted.

iv. Modern concrete walls and similar structures are prohibited.

v. Chain-link and stockade fences are not appropriate in front yards and may be used in side and rear yards only if compatible with the overall design of the site.

vi. Waste receptacles, dumpsters, exterior systems, service entrances and similar areas must be screened with board fences, board and lattice fences, and/or landscaping.

g. Utilities.

All utilities serving a new building including electricity, telephone, cable, Internet, and alarm systems must be placed underground from the access pole.

h. Preservation of Trees.

Existing large, healthy trees must be preserved if practical.

5. Signage

Display of signboard and/or products for sale may be placed on a Town sidewalk only if:

a. Products for sale displayed outside the building are limited to an area extending no greater than two feet from the front facade of the building;

~~b. Signboards are permitted in accordance with a design detailing style and size submitted by Kittery Foreside Committee and approved by the Planning Board and on file in the planning office;~~

~~c.~~ b. Signboards and/or products for sale must be removed from the sidewalk at the close of each business day;

~~d.~~ c. An annual permit must be obtained from the Code Enforcement Officer. Permits are issued for a calendar year or portion thereof, to expire December 31st of each year. Sign permit application fee, reference Appendix A.

[NOTE: The existing section 16.3.2.15.E is not being amended]

~~F. Design Review.~~

~~KFC advisory design review is required for any project involving the construction of a new building, or the enlargement or modification of an existing building that:~~

~~(1) cumulatively increases the building footprint or building volume by more than thirty percent (30%) after April 1, 2005, or~~

~~(2) is subject to the shoreland overlay zone requirements as set forth in Section 16.43.2.17, is subject to an advisory design review by the Kittery Foreside Committee (KFC).~~

~~**NOTE:** This requirement does not apply to the replacement of a building destroyed by accidental or natural causes after April 1, 2005 that is rebuilt within the pre-existing building footprint and that does not increase the pre-existing building volume by more than thirty percent (30%). This review is limited to consideration of the project's conformance with the design standards set forth in subsection (E)(4) of this Section. Upon receipt of an application for a project in the district that is subject to this requirement, Town~~

189 ~~staff shall forward the application to the chair of the KFC. The application must contain adequate~~
190 ~~information to allow the committee to evaluate the project's conformance with the design standards of~~
191 ~~subsection (E)(4) of this Section.~~

192
193 ~~The KFC has a maximum of forty-five (45) days to complete its review of the project. The KFC is to~~
194 ~~provide a written report documenting its findings relative to conformance with the design standards and~~
195 ~~any recommendations for changes to the project needed to conform to the standards. The design review~~
196 ~~must be completed prior to approval of a development plan under Chapter 16.10, or the issuance of a~~
197 ~~building permit if development review is not required, unless the KFC fails to complete its review within~~
198 ~~forty-five (45) days in which case the application must be processed without the KFC review. The findings~~
199 ~~of the design review must be provided to the Planning Board and/or CEO for consideration in their actions~~
200 ~~relative to the project.~~



State of Maine
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Application for License for Incorporated Civic Organization

\$50.00 Fee / \$10.00 Filing Fee - Check Payable: Treasurer State of Maine

1. (a) Full Name of Applicant: Seacoast Soul Models
(Corporate Name)
- (b) Corporate Address: 3 Ryle Way (P.O. Box 631) Kittery ME 03904
Street Address City/Town State Zip Code
- (c) Authorized Corporate Office: Same as above
- (d) Address: _____
Street Address Town/City State Zip Code
- (e) Telephone Number: 603-944-3172 Fax: N/A

INFORMATION PERTAINING TO SPECIAL EVENTS OR GATHERINGS

2. (a) Title and Purpose of Event: Mimosa - Outdoor morning yoga class coupled with mimosa tasting, raffle + food. Fundraiser for Seacoast Soul Models
- (b) Date of Event: 8/21/16 Time: From: 930 AM/PM To: 1200 AM/PM
- (c) ☐ Inside ☒ Outside Event (If **Outside**, attach diagram of area)
- (d) Location of Event: 60 Old Dennett Rd, Kittery ME 03904
- (e) Number of Persons Attending: approx 60
- (f) Name and Address of Sponsor: Seacoast Soul Models
Address: Above Town/City: Kittery State: ME
- (g) Name and Address of Caterer: N/A.
Address: _____ Town/City: _____ State: _____
- (If other than licensee): _____
- (If food is to be served): Baked goods, coffee, tea, juice (all donated by local businesses)
- (h) Type of building to be occupied: - outdoor garden event

(i) Area to be licensed: 60 Old Dennett Rd, Kittery ME

Dated at: Kittery, ME on 7/19, 20 16
Town/City, State Month/Day

NOTE:

This application must be signed by a duly authorized officer of the corporation executing the application and approved by the Municipal Officer/Country Commissioners and filed with the Division.

Seacoast Soul Models
NAME OF CORPORATION

BY: W Blotchen
CORPORATE OFFICER'S SIGNATURE - TITLE

Whitney Blotchen, Ex-Dir
PRINTED NAME & TITLE

STATE OF MAINE

Dated at: _____, Maine _____ ss
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Offices ☐ County Commissioners of the

☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

Signature	Print

**72 Hours in Advance of Said Event or Gathering
REQUESTED**

Note: If said event or gathering is located in an unincorporated place, the application must be approved by the County Commissioners of the County wherein the event or gathering is to take place and the above approval form may be changed in accordance with the fact.

Name of Licensee: Seacoast Soul Models License #: _____
Complete Mailing Address: 3 Ryle Way (PO Box 631) Kitley ME 03904
Daytime Telephone Number: 603-944-3172 Fax: _____
Email Address: Seacoast.soulmodels@gmail.com
Location of Event: 100 Old Dennett Rd, Kitley ME 03904
Complete Physical Address of Event: 100 Old Dennett Rd, Kitley ME 03904
Date of Event: 8/21/16 Time of Event: From: 930 To: Noon
(Note: By law, liquor can only be served from 5:00am to 1:00am of the next day, Monday through Saturday, and 9:00am to 1:00am the next day on Sunday. Event times cannot deviate from this statutory requirement.)
Number of people attending: 100 Request (1) of 100 for this licensure year.
Dated: 7/19/16
Signature of Licensee: WBlethen
Printed Name of Licensee: Whitney Blethen

Under Name of Licensee above, you must provide the name as it appears on your license. In order to timely process this notice, you must file this application at least 72 hour prior to the event. The Bureau reserves the right to reject a notice not submitted by this time.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008
Telephone Inquiries: (207) 624-7220
Email Inquiries: MaineLiquor@Maine.gov

For Office Use Only:

Date Filed: _____ Date Issued: _____ Issued By: _____

☐ Approved ☐ Not Approved

mimyasa

mim•ya•sa, verb

Movements that form
a flowing sequence,
in coordination with
breath, mindfulness
and Mimosas!

Join us in a peaceful setting for
a morning of yoga, meditation,
light brunch, raffles & mimosas all
to benefit Seacoast Soul Models.

Sunday, August 21st
9:30am - noon

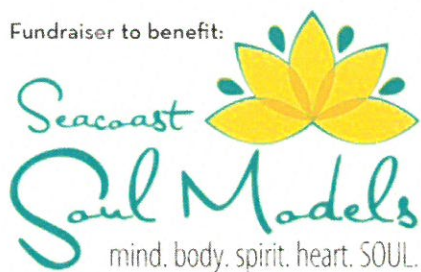
60 Old Dennett Road
Kittery, ME

\$50.00 per person
Tickets can be purchased online
<https://mimyasa.eventbrite.com>

BYO Yoga Mats
*This is a 21+ event

www.soulmodels.org

Fundraiser to benefit:





Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations
FROM: Stephen W. Gove, MMA Executive Director
DATE: July 5, 2016
SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

Deadline: Friday, August 12, 2016 by 12:00 noon

Nomination Process – Each year member municipalities have an opportunity to vote on the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying and interested in serving as the MMA Vice President and Executive Committee. The MMA Nominating Committee completed its task in May and put forth a Proposed Slate of Nominees for 2017 to member municipalities.

Petition Process – As part of the May mailing, information was also provided on the MMA Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was Friday, July 1, by 4:30 pm. There were no municipal officials nominated by petition.

It is now time for each member municipality to cast its official vote.

Election Process – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for “*Write-in Candidates*” since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers **or** a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association by 12:00 noon on Friday, August 12. We have enclosed a self-addressed self-stamped envelope for your convenience. The MMA Voting Ballots will be counted that afternoon and the election results confirmed under the direction of MMA President Stephan Bunker.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at www.memun.org on Friday, August 12, after 4:00 p.m. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held **Wednesday, October 5, at the Bangor Cross Insurance Center**. Newly elected Executive Committee members will be introduced at the MMA Awards Luncheon and Annual Business Meeting and officially take office on January 1, 2017.

If you have any questions on the Election Process, please contact Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at tchavarie@memun.org. Thank you.



MAINE MUNICIPAL ASSOCIATION
VOTING BALLOT

Election of Vice President and Executive Committee Members
Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 12, 2016

VICE-PRESIDENT - 1 YEAR TERM

Vote for One

Proposed by MMA Nominating Committee:

Linda Cohen, Councilor, City of South Portland

☐

DIRECTORS - 3 YEAR TERM

Vote for Three

Proposed by MMA Nominating Committee:

James Gardner, Jr., Town Manager, Town of Easton

☐

Christine Landes, Town Manager, Town of Bethel

☐

Mary Sabins, Town Manager, Town of Vassalboro

☐

Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.

The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ **Municipality:** _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Print Name: _____ **Signature:** _____
Position: _____

OR Signed by a Majority of Municipal Officers **Current # of Municipal Officers:** _____

Print Names:	Signatures:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Return To:
MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358 or 626-5947
Email: tchavarie@memun.org

**MAINE MUNICIPAL ASSOCIATION
EXECUTIVE COMMITTEE**

**BIOGRAPHICAL SKETCH OF
PROPOSED SLATE OF NOMINEES FOR 2017**

**MMA VICE PRESIDENT
(1-Year Term)**

LINDA COHEN, COUNCILOR, CITY OF SOUTH PORTLAND

Professional & Municipal Experience:

- City of South Portland, Maine – City Council (December 2012 – present; Mayor 2014-2015)
- City of Portland, Maine – City Clerk (June 2001 – January 2011)
- City of South Portland, Maine – City Clerk (January 1989 – June 2001)
- Cross Country Mortgage, Mortgage Loan Originator (PT) (January 2016 – present)
- Bangor Savings Bank, Assistant Vice President (December 2014 – January 2016)
- Learning Works, Director of Development (January 2013 – December 2014)
- PMAC Lending Services, Mortgage Loan Originator (PT) (August 2011 – December 2014)
- City of Auburn, Consultant/City Clerk Hiring Committee (October 2011 – July 2012)

Education:

- University of Southern Maine – BS, Business Administration
- Southern Maine Vocational Technical Institute, Associate Degree, Law Enforcement
- Master Municipal Clerk – International Institute of Municipal Clerks
- Certified Clerk of Maine – Maine Town & City Clerks Association
- Maine Notary Public
- Maine Dedimus Justice
- Licensed Maine Mortgage Loan Originator

Other Experience, Committees and Affiliations:

- Member, Maine Municipal Association Executive Committee (April 2013 – present)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (2013 – present)
- Member, Maine Municipal Association Workers Compensation Board of Trustees, (2013 – present)
- Member, MMA Nominating Committee (2013)
- Member or Alternate, Maine Municipal Association Legislative Policy Committee (1989 – 2011)
- Member, Maine Town & City Clerks Association (Served as President two terms and as Chair of the Legislative Policy Committee) (January 1989 – present)
- Member, New England Association of City & Town Clerks (Former President; served on Budget Committee, Legislative Committee, Two New England Conference Planning Committees) (1989 – 2015)

Awards and Certifications:

- Maine Town & City Clerks Association, Ethelyn Stuart Marthia Award – 2011
- Maine Legislative Sentiment – 1999 and 2011
- Maine Town & City Clerks Association, Maine Clerk of the Year – 1999
- Maine Town & City Clerks Association, Lorraine Fleury Award - 1995

MMA EXECUTIVE COMMITTEE MEMBERS
(Three 3-Year Terms)

JAMES GARDNER, JR, TOWN MANAGER, TOWN OF EASTON

Professional & Municipal Experience:

- Town of Easton, Maine, Manager (2011 – present)
- Town of Ashland, Maine, Manager (2005 – 2010)
- Town of Washburn, Maine, Manager (1999 – 2005)
- City of Presque Isle, Maine – Code Enforcement Officer (1994 – 1999)
- Department of Defense, Loring Airforce Base, Civil Service (1983 – 1994)

Education:

- Ricker College, Small Business Administration – one year
- Unity College, Business Law, one year
- Northern Maine Technical College, Business Administration, two years
- Department of Defense, Non-Commission Officer Primary Leadership graduate
- Certified State of Maine Code Enforcement Officer
- Certified State of Maine Local Plumbing Inspector
- Certified State of Maine CDBG Grant
- Writer/Administrator/Technician
- HUD Certification in Community Development Housing Rehabilitation and Construction

Other Experience, Committees and Affiliations:

- President, Aroostook Managers Association
- Member, Executive Board of Directors, Northern Maine Development Commission
- Member, Maine Community Development Association
- Member, Maine Town, City & County Management Association
- Member, Maine Town & City Clerks Association

Awards and Certifications:

- Department of Defense, Civilian of the Year Award
- Loring Airforce Base, Superior Performance Award

CHRISTINE LANDES, TOWN MANAGER, TOWN OF BETHEL

Professional & Municipal Experience:

- Town of Bethel, Maine – Town Manager (November 2014 – present)
- City of Brewer, Maine – Deputy City Clerk (December 2012 – May 2014)
- Town of Veazie, Maine – Deputy Town Clerk (September 2012 – December 2012)
- Orange Park, Florida – Clay County Deputy Tax Collector/Clerk (July 2010 – September 2012)
- Town of Warren, Maine – Town Clerk (August 1998 – June 2010)
- The Waldoboro Bank, Rockland Maine – Branch Manager (September 1990 – August 1998)

Education:

- Southern New Hampshire University – Enrolled in MPA/Public Administration Program
- University of Southern Maine/Muskie School Policy, Planning and Management (Fall 2015)
- University of Maine at Augusta, BA Public Administration, Cum Laude Graduate (2015)
- Florida State College, Jacksonville – Associate of Arts (2012)
- Thomas College Waterville, Maine – Banking Course

Other Experience, Committees and Affiliations:

- Member, Oxford County Emergency Communications Governing Board
- Member, International City Management Association
- Member, Maine Town, City & County Management Association
- Member, Alder River Grange in East Bethel
- Ex-Officio Member, Mahoosuc Pathways Board of Directors
- Manager, Bethel Regional Airport

MARY SABINS, TOWN MANAGER, TOWN OF VASSALBORO**Professional & Municipal Experience:**

- Town of Vassalboro, Maine – Town Manager/Treasurer/Tax Collector (June 2008 – present)
- Town of Chelsea, Maine – Town Manager/ Treasurer/Tax Collector/General Assistance Administrator/Road Commissioner (July 2006 – June 2007)
- Maine School Administrative District #40, Warren, Maine – Facilities Director/Food Service Director (March 2005 – June 2006)
- Town of Windsor, Maine – Town Manager/Treasurer/Tax Collector/General Assistance Administrator (April 2001 – March 2005)
- Town of Hope, Maine – Town Administrator/Treasurer/General Assistance Administrator (July 1997 – April 2001)

Other Experience, Committees and Affiliations:

- Member, Maine Municipal Association Executive Committee (2014 – present)
- Member, Maine Municipal Association Strategic & Finance Committee (2014 – present)
- Chairperson, Maine Municipal Association Strategic & Finance Committee (2016)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (2014 – present)
- Member, Maine Municipal Association Workers Compensation Fund Board of Trustees, (2014 – present)
- Member, Appointed by MMA Executive Committee to serve on MMEHT Selection Committee (2015-2016)
- Member, Maine Town, City & County Municipal Management Association
- Member of Communications Committee, Maine Town, City & County Municipal Management Association (2015)
- Director, Board of Kennebec Valley Council of Government
- City of Augusta, Maine – Internship with City Manager (September 2000 – December 2000)
- Town of Union, Maine – Certified Town Clerk/Tax Collector/Occasional Acting Town Manager (May 1988 – June 1997)
- As the wife of a volunteer firefighter and EMS worker, I have volunteered often in support of our hometown fire and ambulance services.

Education:

- BS in Business Administration with Management Major from University of Maine at Augusta.

Awards and Certifications:

- Qualified as a Certified Public Manager, Maine Town, City & County Management Association (2016)

July 5, 2016

The Black Birch
2 Government St.
Kittery, ME 03904
(207) 703-2294

RE: Extension of premises for July 31st between the hours of 3pm and 10pm

To Whom It May Concern,

The Black Birch, 2 Government St. Kittery, ME 03904 would like to extend our area of service to include our parking lot on the 31st of June, 2016. We would like to use our parking lot for service for food, beer, and wine. We envision the afternoon as a picnic for the community, our staff, and friends as part of our 5th Anniversary. We would like the extension to cover from 3pm through 10pm to include adequate opportunity to set up and breakdown. We intend to serve food between 5pm and 900pm. The area will be set with several large picnic tables and we will be using our smoker and grills again as we have for similar events in past few years.

Currently, the area in question is clearly delineated by the building on the right, from the street, and by heavy plantings of tall grasses on the rear side. The left side from the street is marked by a low concrete wall and walkway and will be cordoned off for the day. We intend to rope the three sides with a high visibility rope and signage to enclose the parking area. (I still refer to it as our parking lot, though on that day, between those hours there will be no moving vehicles.) Entrance and egress for the public will be at a central entrance where we will have a staff member or manager posted at all times through the day.

Thank you for your consideration.

Sincerely,

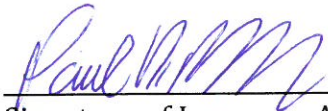
Benjamin Lord

The Black Birch
207-703-2294
eat@theblackbirch.com
2 Government St.
Kittery, ME

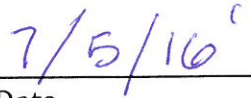
Ammendment To Lease

For the purpose of The Black Birch Picnic, on July 31, 2016 Studio Verte, LLC assigns use of the whole parking area at the premises of 2 Government Street, Kittery, ME 03904 to the tenant The Black Birch, Inc..

Studio Verte, LLC acknowledges that the tenant is responsible for erecting and subsequently removing any temporary improvements, features, fencing, etc for the tenant's intended use of a seating and dining area for that date.



Signature of Lessor or Agent



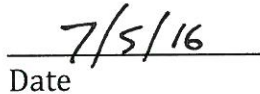
Date

PAUL BONACCI, OWNER

Printed Name and Title



Signature of Lessee



Date

BEN LORD, TREASURER

Printed Name and Title

July 5th, 2016

The Black Birch
2 Government St.
Kittery, ME 03904
(207) 703-2294

RE: Extension of premises for Octoberer 23rd between the hours of 12am
and 10pm

To Whom It May Concern,

The Black Birch, 2 Government St. Unit A Kittery, ME 03904 would like to extend our area of service to include BUOY gallery, 2 Government St. Unit B Kittery, ME 03904 on the 23rd of October, 2016. This date coincides with the FUEL & MORE, PO Box 754 Kittery, ME 03904, a local 501c(3) nonprofit's annual fundraiser. The Black Birch and BUOY agreed to host the event, donating both of our spaces for the organization. We would like the extension to cover from 12pm through 10pm to include adequate opportunity to set up and breakdown. The Fuel and More Fundraiser will run from 4-7 in both the BUOY Gallery and the Black Birch restaurant. Food will be served.

The gallery is adjacent to the restaurant, and the are connected by a common area hallway off of which the restrooms are located. Entrance and egress for the public will be either the gallery front door or the main entrance of the restaurant. Fuel and More has volunteers to assist guests arriving at the event. I have attached a drawing to illustrate our intended use.

Thank you for your consideration.

Sincerely,

Benjamin Lord

The Black Birch
207-703-2294
eat@theblackbirch.com
2 Government St.
Kittery, ME



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
JUN 29 2016

BY: 9:00 am

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: RICHARD BROOKS

RESIDENCE: 35 MANSON AVE. KITTERY

MAILING (if different) _____

E-MAIL ADDRESS: BROOKSJE-SHEILA@COMCAST.NET PHONE #: (Home) 2527532 (Work) N/A

Please check one choice:

- ☐ Board of Appeals
- ☐ Conservation Commission
- ☐ Comprehensive Plan Update Committee
- ☐ Education Scholarship Committee
- ☒ Parks Commission
- ☐ Port Authority
- ☐ Personnel Board

- ☐ Board of Assessment Review
- ☐ Mary Safford Wildes Trust
- ☐ Shellfish Conservation Committee
- ☐ CIP Committee
- ☐ Open Space Committee
- ☐ Planning Board
- ☐ Other _____

EDUCATION/TRAINING: SEE ATTACHED SHEET

RELATED EXPERIENCE (Including other Boards and Commissions) SEE ATTACHED SHEET

PRESENT EMPLOYMENT: RETIRED

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY ☒ Yes ☐ No

ANY KNOWN CONFLICT OF INTEREST (please read back of application): NONE

REASON FOR APPLICATION TO THIS BOARD: INTERESTED IN PARKS OF KITTERY

I HAVE ___/HAVE NOT ☒ ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Please read the back of this application before signing.

Richard Brooks
SIGNATURE OF APPLICANT

6/30/16
DATE

APPLICATION ADDENDUM

EDUCATION/TRAINING

High School Montville High School 1971 Montville, Ct.
Electrician's School U.S. Navy 1971-1972
Portsmouth Naval Shipyard Apprenticeship 1974 – 1978

RELATED EXPERIENCE

Boilermakers Local 685/920
Steward 5 years
Chief Steward 25 years
Secretary-Treasurer 7 years
Vice President N.H. AFL-CIO 4 years

AMERICAN LEGION POST 8 AND 6

Post Commander 4 years
Post Adjutant 17 years
N.H. District 3 Commander 2 years
N.H. District 3 Adjutant 2 years
N.H. District 3 Legislative Chairman 10 years
N.H. American Legion Vice Chairman Legislative Committee 10 years
N.H. American Legion Chairman State Convention Committee 7 years

MISC.

Portsmouth Central Veterans Council President 10 years

Memorial Bridge Advisory Committee 2 years

Portsmouth Host Committee for U.S.S. Virginia 2 years

My reason for volunteering for the Parks Committee is I am an avid proponent for municipal parks and my wife and I are almost daily users of Fort Foster /Seapoint Beach



TOWN OF KITTERY, MAINE
TOWN CLERK'S OFFICE
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
MAY 16 2016
BY: 9:30 AM

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Kristi Mathieson
RESIDENCE: 26 Haley road Kittery, Maine
MAILING (if different) _____

E-MAIL ADDRESS: kristi@nhnatural.com PHONE #: (Home) 207-439-1865 (Work) 603-969-7496

Please check your choices:

- | | |
|--|---|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Board of Assessment Review |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Comprehensive Plan Update Committee | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Recycling Scholarship Selection Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Port Authority | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Personnel Board | <input checked="" type="checkbox"/> Other <u>Kittery Community Center BOD</u> |

EDUCATION/TRAINING: MS, RD
RELATED EXPERIENCE (Including other Boards and Commissions) Proficiency based learning

board for Shapleigh School. Recycling committee - Portsmouth NH.

PRESENT EMPLOYMENT: New Hampshire Natural Health Clinic - Owner (nhnatural.com)
ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY ☒ Yes ☐ No

ANY KNOWN CONFLICT OF INTEREST: No known conflict of interest

REASON FOR APPLICATION TO THIS BOARD: Interest in how KCC will collaborate with Rice Public Library.
I HAVE ☐ HAVE NOT ☒ ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Please read the back of this application before signing.


SIGNATURE OF APPLICANT

5/2/2016
DATE

26 Haley Road
Kittery, Me 03904

Phone: 207-439-1865
cell 603-969-7496
Email: Kristi@nhnatural.com

Kristi Mathieson, MS, RD, LD, CLT, CPT

Experience	2003-present	New Hampshire Natural Health Clinic	Portsmouth, NH Bedford, NH
		<ul style="list-style-type: none">• Co- owner of Natural Medicine clinic employing two naturopathic doctors, one massage therapist, one IV nurse, one office manager and two dietitians• Certified LEAP Therapist (2009)• MNT Provider for all New Hampshire insurances	
	1998-2003	Apothecom LLC Infomedics, Inc.	Salem, Mass Woburn, Mass
Senior Manager			
		<ul style="list-style-type: none">• Established and maintained strategic partnerships with a large client base• Responsible for overseeing and building business on all accounts (determining client needs, defining a solution and completing all written proposals)• Supervised all account programs, developed budgets and timelines as well as tracked status of program elements to ensure that all programs were delivered according to client specifications• Mentored and managed staff and cross functional team members associated with program execution• Organized and assisted in content development for high-level medical meetings including live and web based Continuing Medical Education (CME) programs and clinical advisory boards• Managed advocacy development of key opinion leaders• Introduced and presented, nationwide, research marketing initiatives	
	1992-1998	The Physical Advantage	Portsmouth, NH
Principal Owner			
		<ul style="list-style-type: none">• Founder/Owner of a health and wellness promotion company• Responsible for managing 17,000 square foot private fitness facility• Employer of 10 employees specializing in individual/group education in exercise, nutrition, and injury rehabilitation• Hired, mentored, managed and trained all associates• Managed and implemented all club programming• Developed and administered health promotion classes for community members• Administered morning health reports on WMUR Channel 9 and WBZ Radio• Developed and conducted outreach programs in local high schools and corporations	
Additional Experience		Gold's Athletic Club	Portsmouth, NH
		Director Aerobics Department	
		Tufts Dental School—Human Nutrition Research Center	Boston, MASS
		Sr. Research Associate	
		Seacoast Health Center	Hampton, NH
		Food Service Director	
Education	1987/1989	University of New Hampshire	Durham, NH
		B.S., Exercise Physiology	
		M.S., Nutritional Sciences	

REPORT to the KITTERY TOWN COUNCIL – TITLE 16 ORDINANCE REVIEW

1 RESPONSIBLE INDIVIDUALS: Beers, Denault

Date: 07-25-16

2 **SUBJECT:** Town Code Title 16 Planning Board Revisions

3 BACKGROUND:

- 4 • Planning Board Title 16 ordinance revision requests (*Atch*)
5 *RTC – Summary, Background, Current Situation, and Recommendations included*
6 • Planning Board Public Hearing held (02-25-16?)

7 CURRENT SITUATION:

- 8 • “Strikeout/underscore” drafts provided for review are intended to resolve the issue.
- 9 • Drafts are in due form and proper format with enactment findings of fact, basis of law,
- 10 and legislative intent delineated and appear to satisfy all statutory obligations (*encl*).

11 **RECOMMENDATION:** Ordainment consideration.

ATTACHMENT

Planning Board / Planner Report, July 11, 2016

ENCLOSURE

Enactment Language

12

REPORT to the KITTERY TOWN COUNCIL – TITLE 16 ORDINANCE REVIEW

ENCLOSURE: Title 16 Ordinance Revision Enactment

AN ORDINANCE relating to the municipality's authority to establish land use ordinance in the Town of the Kittery, as more particularly set forth herein.

WHEREAS, the Kittery Town Council is authorized to enact this Ordinance, as specified in Sections 1.01 and 2.07(3) of the Town Charter; and 30-A MRS §3001, pursuant to its powers that authorize the town, under certain circumstances, to provide for the public health, safety, morals, and welfare and does not intend for this Ordinance to conflict with any existing state or federal laws; and

WHEREAS, the Council is enacting this Ordinance in order to correctly implement its obligations and authority pursuant to 38 MRS §435, Mandatory Shoreland Zoning, 38 MRS §438-A, Municipal authority, and 30-A MRS §4353.4-C, Variance from dimensional standards, et seq; and

WHEREAS, the Council intends, through the adoption of this Ordinance amendment, to clarify language implementing various goals in Section G (Land Use Patterns) of the Kittery Comprehensive Plan.

NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A MRS §3001, AND TOWN CHARTER §2.14, **THE TOWN OF KITTERY HEREBY ORDAINS REVISION TO TITLE 16, LAND USE AND DEVELOPMENT, OF THE TOWN CODE, AS FOLLOWS:**

§2.2 DEFINITIONS; CHAPTER 3 ARTICLE II §3.2.15, MIXED USE – KITTERY FORESIDE MU-KF; CHAPTER 3 ARTICLE II §3.2.17, SHORELAND OVERLAY ZONE; CHAPTER 8 ARTICLE IV TABLE1; CHAPTER 8 ARTICLE VIII §8.8.2, POST-CONSTRUCTION STORMWATER MANAGEMENT; and CHAPTER 10 ARTICLE III DEVELOPMENT PLAN REVIEW AND APPROVAL PROCESS.

Approved as to form: _____ {NAME}, Town Attorney

INTRODUCED and read in a public session of the Town Council on the ____ day of _____,

20____, by: _____ {NAME} Motion to approve by Councilor

_____ {NAME}, as seconded by Councilor _____ {NAME} and

passed by a vote of _____.

THIS ORDINANCE IS DULY AND PROPERLY ORDAINED by the Town Council of Kittery, Maine on the ____ day of _____, 20____, {NAME}, _____, Chairperson

Attest: {NAME}, _____ Town Clerk

KITTERY TOWN CODE APPENDIX A – PROPOSED REVISIONS

KITTERY TOWN CODE APPENDIX A

SCHEDULE 13. PUBLIC SERVICES

Chapter 13.1 SEWER SERVICE SYSTEM

Article I. In General

Rates and charges: Quarterly Usage

1. First 1,000 cubic feet or fraction thereof \$75.00

2. Per one hundred cubic feet in excess of 1,0500 feet \$5.00

Article III. Building Sewers and Connections

Building sewer permit fees:

1. Residential or commercial \$15.00

2. Industrial \$15.00

Article IV. Main Extensions

~~Special sewer entrance permit fee \$2,500.00~~

Article V. Private Sewage Disposal

Private sewage disposal system permit and inspection fee \$10.00

Private sewage treatment facility after-hours labor charge \$25.00 per hour
(three-hour minimum labor charge)

Septic tank contents discharge rate \$0.10 per gallon

Holding tank contents discharge rate \$0.015 per gallon

Chapter 13.2 SEWER IMPACT FEE


13.2.2 Sewer Impact Fee. \$3,000.00
(per unit charge)

13.2.3 Special Sewer Entrance Permit Fee \$3,000.00



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: July 25, 2016
From: Maryann Place, Town Clerk 
Subject: Ordinance Adoption
Councilor Sponsor: Councilor Beers

EXECUTIVE SUMMARY

A new law on write-in voting allows a municipality, by vote of its legislative body at least 90 days before the next annual election, opt to require local write-in candidates to declare their candidacy by filing with the municipal clerk at least 45 days before the election, as now required for State write-in candidates by Title 21-A §722-A.

STATEMENT OF NEED

To follow Title 21-A for write-in candidates will allow the Election process to be consistent with State Elections and save time for ballot clerks tallying write-in votes, as well as the Warden and Clerk processing the return of votes cast earlier.

BACKGROUND

When there are declared write-in candidates, those names are provided to the ballot clerks when they are separating the ballots. The declared write-in candidates are the only write-ins that are counted.

FACTS BEARING ON THE EQUATION

We are required to process the return of votes for the State Election first, then the Municipal return. That creates late results for citizens waiting for the Municipal Election outcome. Following Title 21-A for declared write-in candidates, would allow the Municipal results to be available sooner. Voters would be informed earlier in the process of who the write-in candidates are and a list of declared write-in candidates would also be posted with sample ballots.

CURRENT SITUATION

Currently, write-in candidates don't have to declare and a voter can write in any person's name as a write-in candidate. Consequently, depending on the Election turn out there can be anywhere from 25-35 or more, individual names listed on ballots as write-in candidates. Each set of ballot clerks both list every write-in name (as long as it is a qualified vote) and marks by hen scratches for every vote they receive. Both ballot clerks counts must agree, otherwise they start counting all over again until they agree. Unfortunately that happens a lot, which means it takes longer to provide the Election results.

PROPOSED SOLUTION/RECOMMENDATION

It is recommended to adopt an ordinance to follow Title 21-A for declared write-in candidates to allow the write-in candidate process to be consistent with State Elections.

Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, c. 737, Pt. A, §2 (new)

Chapter 121: MEETINGS AND ELECTIONS HEADING: PL 1987, c. 737, Pt. A, §2 (new)

§2501. APPLICABILITY OF PROVISIONS

Except as otherwise provided by this Title or by charter, the method of voting and the conduct of a municipal election are governed by Title 21-A. [1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD); 1989, c. 104, Pt. D, §2 (RPR) .]

1. Clerk to perform duties of Secretary of State. When Title 21-A applies to any municipal election, the municipal clerk shall perform the duties of the Secretary of State prescribed by Title 21-A.

[1989, c. 104, Pt. C, §10 (NEW); 1989, c. 104, Pt. D, §2 (NEW) .]

2. Qualifications for voting. The qualifications for voting in a municipal election conducted under this Title are governed solely by Title 21-A, section 111.

[1989, c. 104, Pt. C, §10 (NEW); 1989, c. 104, Pt. D, §2 (NEW) .]

3. Determining and counting write-in votes. A municipality may choose the method of determining and counting write-in votes according to this subsection. Once a municipality has voted to accept the option under this subsection, the option applies to all municipal elections until the municipal officers hold a public hearing and the legislative body of the municipality votes to rescind the option at least 90 days before the next election of candidates by secret ballot.

A. After the municipal officers hold a public hearing, at least 90 days prior to an election of candidates by secret ballot, the legislative body of a municipality may vote to be governed by the provisions of Title 21-A, section 696, subsection 2, paragraph C and Title 21-A, section 722-A. Votes for a write-in candidate are counted only if that candidate has filed a timely declaration of write-in candidacy with the municipal clerk in accordance with Title 21-A, section 722-A, except that votes for write-in candidates who have not filed a declaration of write-in candidacy must be counted if:

- (1) The printed ballot does not include a properly nominated candidate for the office; or
- (2) A properly nominated candidate for the office listed on the ballot withdraws from the race before or on election day. [2015, c. 160, §1 (NEW) .]

B. In a municipality that has not voted under paragraph A to be governed by Title 21-A, section 696, subsection 2, paragraph C and Title 21-A, section 722-A, votes cast for write-in candidates must be counted if:

- (1) The printed ballot does not include a properly nominated candidate for the office;
- (2) A properly nominated candidate for the office listed on the ballot withdraws from the race before or on election day; or
- (3) The number of write-in votes for an office as determined by a machine count or initial hand count exceeds the number of votes in that count for a candidate printed on the ballot.

Votes for write-in candidates may be counted even if none of the criteria listed in subparagraphs (1) to (3) are met in a municipality that has not voted to be governed by Title 21-A, section 696, subsection 2, paragraph C and Title 21-A, section 722-A. [2015, c. 160, §1 (NEW) .]

Nothing in this subsection requires a municipal clerk to count or tally write-in votes for a fictitious person, a deceased person or a person from outside the municipality when residency is a qualification of office or who is otherwise not qualified to be a candidate for the office for which the person is a write-in candidate.

[2015, c. 160, §1 (NEW) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 1989, c. 104, §D2 (RPR). 2015, c. 160, §1 (AMD) .

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Maine Revised Statutes

Title 21-A: ELECTIONS

Chapter 9: CONDUCT OF ELECTIONS

§722-A. DETERMINATION OF DECLARED WRITE-IN CANDIDATE

To be considered a declared write-in candidate, a person must file a declaration of write-in candidacy with the Secretary of State, on a form approved by the Secretary of State, on or before 5 p.m. on the 45th day prior to the election. The candidate must meet all the other qualifications for that office. [2009, c. 253, §37 (AMD) .]

SECTION HISTORY

1999, c. 426, §24 (NEW). 2007, c. 455, §40 (AMD). 2009, c. 253, §37 (AMD) .

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Maine Revised Statutes
Title 21-A: ELECTIONS
Chapter 9: CONDUCT OF ELECTIONS

§696. CHALLENGED, DEFECTIVE OR VOID BALLOTS

The counting of ballots is governed by the following provisions. [1985, c. 161, §6 (NEW) .]

1. Challenged ballot. A challenged ballot must be counted the same as a regular ballot. The validity of a challenged ballot need not be determined unless it affects the results of an election.

If the challenged ballot affects the result of an election, the envelope containing the challenge certificate and the signed affidavit under section 673, subsection 1 must be submitted to the Supreme Judicial Court and its validity must be determined, except when final determination of the election of a candidate is governed by the United States Constitution.

[2003, c. 395, §5 (AMD) .]

2. Invalid vote. A vote for an office, candidate or question held to be invalid by the warden, ward clerk or deputy warden may not be counted for that office, candidate or question as follows.

A. If a voter marks more names for an office than there are vacancies to be filled or more choices for a question than are permitted, the voter's vote for that office or question may not be counted. [2009, c. 253, §32 (AMD) .]

B. If a voter marks the voter's ballot in such a manner that it is impossible to determine the voter's choice, the voter's vote for the office or question concerned may not be counted. [1997, c. 436, §101 (AMD) .]

C. If a voter marks a write-in indicator for an office, but does not write the name of a declared write-in candidate in the blank space provided to the right of the write-in indicator, that vote for that office may not be counted, unless a determination of choice under subsection 4 is possible. [2009, c. 253, §32 (AMD) .]

D. If a voter writes in the name of a declared write-in candidate in the write-in space pursuant to section 691, but does not mark the write-in indicator, that vote for that office may not be counted. [2009, c. 253, §32 (AMD) .]

E. If a voter writes in a write-in space the name of a person who has not filed a declaration of write-in candidacy as provided by section 722-A, the vote for that office may not be counted except in accordance with section 737-A, subsection 2-A. [2009, c. 253, §32 (AMD) .]

F. The warden, ward clerk or deputy warden shall write "Invalid vote" on the ballot and the reason the vote is invalid beside the office, candidate or question for which it is invalid and shall sign it and replace the ballot with the other ballots, to be counted for other offices or questions. [2001, c. 310, §39 (AMD) .]

[2009, c. 253, §32 (AMD) .]

3. Defective ballots. A ballot held to be defective by the warden, ward clerk or deputy warden may not be counted.

A. A ballot that is not prepared in accordance with the requirements of this Title is defective. [2001, c. 310, §40 (AMD) .]

B. The warden, ward clerk or deputy warden shall write "Defective ballot" and the reason that the ballot is defective on the ballot and shall sign it. The election official shall then segregate the defective ballot

with any other defective ballots in an envelope labeled "Defective ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of defective ballots or a special envelope printed with this label and instructions. [2003, c. 298, §2 (AMD).]

C. A ballot is not defective if the Secretary of State has given prior approval for its use at the election. [2005, c. 404, §4 (NEW).]

[2005, c. 404, §4 (AMD) .]

4. Determination of choice possible. If a voter marks the voter's ballot in a manner that differs from the instructions at the top of the ballot but in such a manner that it is possible to determine the voter's choice, then the vote for the office or question concerned must be counted.

A. [2001, c. 310, §41 (RP).]

[2005, c. 404, §5 (AMD) .]

5. Void ballots. A ballot held to be void by the warden, ward clerk or deputy warden may not be counted.

A. A ballot on which a voter has made a distinguishing mark is void. [2005, c. 404, §6 (AMD) .]

B. The warden, ward clerk or deputy warden shall write "Void ballot" and the reason that the ballot is void on the ballot and shall sign it. The election official shall then segregate the void ballot with any other void ballots in an envelope labeled "Void ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of void ballots or a special envelope printed with this label and instructions. [2003, c. 298, §3 (AMD) .]

[2005, c. 404, §6 (AMD) .]

6. Rules. The Secretary of State is authorized to adopt rules pursuant to Title 5, chapter 375, subchapter 2-A for determining voter intent based on relevant case law and provisions of this Title. These rules must be used by election officials in tabulating the results of state and local elections and in all recounts conducted pursuant to this Title. A copy of the rules must be included with the instructional materials provided to the clerk, registrar and election officials in each municipality pursuant to section 605-A, subsection 1 and must be used by the Secretary of State in the training of election officials pursuant to section 505. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 342, §25 (AMD) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1985, c. 357, §§4,19 (AMD). 1993, c. 473, §23 (AMD). 1993, c. 473, §46 (AFF). 1995, c. 459, §64 (AMD). 1997, c. 436, §§100-102 (AMD). 2001, c. 310, §§39-42 (AMD). 2003, c. 298, §§2,3 (AMD). 2003, c. 395, §5 (AMD). 2005, c. 404, §§3-7 (AMD). 2005, c. 568, §16 (AMD). 2007, c. 455, §38 (AMD). 2009, c. 253, §§32, 33 (AMD). 2011, c. 342, §25 (AMD).

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